

## SEVENTY-EIGHTH DAY

(Monday, May 26, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Halsey
Allison	Hanna
Alsup	Hardeman
Avant	Hargis
Bailey	Harris of Dallas
Baker	Harris of Hill
Bean	Hartzog
Bell	Heflin
Blankenship	Helpinstill
Boone	Henderson
Brawner	Hileman
Bray	Hobbs
Bridgers	Howard
Brown	Howington
Bullock	Hoyo
Bundy	Huddleston
Burkett	Huffman
Burnaman	Hughes
Carlton	Humphrey
Carrington	Hutchinson
Cato	Isaacks
Celaya	Jones
Chambers	Kelly
Cleveland	Kennedy
Coker	Kersey
Colson, Mrs.	Kinard
Connelly	King
Craig	Klingeman
Crossley	Knight
Crosthwait	Lansberry
Daniel	Lehman
Davis	Leyendecker
Deen	Little
Dickson of Bexar	Lock
Dickson of Nolan	Love
Donald	Lowry
Dove	Lucas
Duckett	Lyle
Ellis	McAlister
Eubank	McCann
Evans	McGlasson
Favors	McLellan
Ferguson	McMurry
Files	McNamara
Fitzgerald	Manford
Fuchs	Manning
Gandy	Markle
Garland	Martin
Gilmer	Matthews
Goodman	Mills

Montgomery	Simpson
Morris	Skiles
Morse	Smith of Bastrop
Murray	Smith of Atascosa
Pace	Spacek
Parker	Spangler
Pevehouse	Stanford
Phillips	Stinson
Price	Stubbs
Rampy	Taylor
Reed of Bowie	Thornton
Reed of Dallas	Turner
Ridgeway	Vale
Rhodes	Voigt
Roark	Walters
Roberts	Wattner
Sallas	Weatherford
Senterfitt	White
Sharpe	Whitesides
Shell	Winfree

## Absent—Excused

Allen	Dwyer
Anderson	McDonald
Benton	Moore
Bruhl	Morgan
Clark	Nicholson

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, again we thank Thee for our material and spiritual blessings, for the blessings of liberty, and freedom of conscience and of speech. We praise Thee for the pregnant opportunities that are ours, and that we can resume work in a new week. The Lord help us to be fruitful in every right way, and withal to glorify Thee. In Jesus' name. Amen.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Anderson and Mr. Dwyer for today on motion of Mr. Winfree.

Mr. Moore for today on motion of Mr. Connelly.

Mr. Morgan for today on motion of Mr. Rampy.

Mr. McDonald for today on motion of Mr. Bridgers.

Mr. Clark for today on motion of Mr. Eubank.

Mr. Bruhl for today on motion of Mr. White.

Mr. Allen for today on motion of Mr. Markle.

The following Members were granted leaves of absence on account of illness:

Mr. Benton for today on motion of Mr. Evans.

Mr. Nicholson for today and the balance of the week on motion of Mr. Burkett.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Markle, Senate Bill No. 469 was ordered not printed.

#### RELATIVE TO HOUSE BILL NO. 1052

Mr. Chambers moved to reconsider the vote by which the House concurred in Senate amendments to House Bill No. 1052.

The motion to reconsider prevailed.

Question: Shall the House concur in Senate amendments to House Bill No. 1052?

Mr. Chambers withdrew the motion that the House concur in Senate amendments to House Bill No. 1052.

Mr. Chambers then moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following Conference Committee on House Bill No. 1052:

Messrs. Chambers, Deen, Murray, Howington, and Burkett.

#### HOUSE BILL NO. 922 WITH SENATE AMENDMENTS

Mr. Eubank called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 922, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all Independent School Districts having a scholastic population of not more than sixty-four hundred seventy-five (6,475), nor less than sixty-four hundred twenty-five (6,425), according to the 1940-1941 scholastic census; and declaring an emergency."

On motion of Mr. Eubank, the House concurred in the Senate amendments by the following vote:

Yeas—114

Allison	Heflin
Alsup	Helpinstill
Avant	Henderson
Bailey	Hileman
Baker	Hobbs
Bell	Howard
Blankenship	Howington
Boone	Hoyo
Brawner	Huddleston
Bridgers	Huffman
Bullock	Humphrey
Bundy	Hutchinson
Burkett	Isaacks
Burnaman	Jones
Carlton	Kelly
Carrington	Kennedy
Cato	Kersey
Cleveland	King
Coker	Klingeman
Colson, Mrs.	Knight
Connelly	Lansberry
Craig	Lehman
Crosthwait	Leyendecker
Davis	Little
Deen	Lock
Dickson of Bexar	Love
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McCann
Duckett	McMurry
Ellis	Manford
Eubank	Manning
Evans	Markle
Ferguson	Matthews
Files	Mills
Fitzgerald	Montgomery
Fuchs	Morris
Gandy	Morse
Garland	Murray
Goodman	Pace
Halsey	Parker
Hanna	Pevehouse
Hargis	Phillips
Harris of Dallas	Price
Hartzog	Rampy

Reed of Bowie	Stinson
Reed of Dallas	Stubbs
Ridgeway	Taylor
Rhodes	Thornton
Roberts	Turner
Senterfitt	Vale
Simpson	Walters
Skiles	Wattner
Smith of Bastrop	Weatherford
Smith of Atascosa	White
Spacek	Whitesides
Spangler	Winfree

**Absent**

Bean	Lowry
Bray	McAlister
Brown	McGlasson
Celaya	McLellan
Chambers	McNamara
Crossley	Martin
Daniel	Roark
Favors	Sallas
Gilmer	Sharpe
Hardeman	Shell
Harris of Hill	Stanford
Hughes	Voigt
Kinard	

**Absent—Excused**

Allen	Dwyer
Anderson	McDonald
Benton	Moore
Bruhl	Morgan
Clark	Nicholson

**RELATIVE TO RESOLUTION PERIOD**

Mr. Reed of Bowie moved to dispense with the consideration of resolutions at this time.

The motion was lost.

**MESSAGES FROM THE GOVERNOR**

The Speaker laid before the House and had read the following messages from the Governor:

May 24th, 1941.

To the House of Representatives of the Forty-seventh Legislature:

I am vetoing and returning to you House Bill No. 859, at the request of the author.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

May 22, 1941.

To the House of Representatives of the Forty-seventh Legislature:

In compliance with the request contained in Senate Concurrent Resolution No. 52, I am returning, (attached) House Bill No. 903 by Lansberry.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

**PROVIDING FOR THE EXTENSION OF CERTAIN RESEARCH WORK**

Mr. Isaacks offered the following resolution:

H. S. R. No. 304, Providing for the extension of certain Research Work.

Whereas, At the beginning of this Session, among the clerks appointed by the Speaker, was Miss Elizabeth Jennett of San Antonio, who was assigned to the Chief Clerk's department; and

Whereas, At all times the Archives Department of the Texas State Library has had and still has insufficient help to maintain and properly care for the archives, including the necessary research, and during the past four months when her services could be dispensed with in his Department, the Chief Clerk has permitted Miss Jennett to work in the library under the directions of the archivist; and

Whereas, Miss Jennett was assigned to the Research Department where she has displayed great ability, familiarized herself with the research work, and has rendered very excellent services in collating the names, and a brief biography of each of the delegates to the various conventions held by the colonists of Texas from 1832 to 1836 prior to the Revolution; and

Whereas, This valuable work begun by Miss Jennett has not been entirely completed and the archivist advises that it will require additional time of from 60 to 90 days to complete this work—much longer than that by one without experience; Now, therefore, be it

Resolved by the House of Representatives of the 47th Legislature, That the Speaker be authorized to continue the services of Miss Jennett in the same position she now holds for such length of time, not to exceed 90 days from the date of adjournment, as is necessary to complete this work; and be it further

Resolved, That the Chief Clerk be authorized to request the State Prison Board to direct the prison print shop to print two thousand copies of the biographies and other data of these conventions and delegates that she is now assembling in pamphlet form, each Representative and each Senator to receive three (3) copies, the State Library two hundred (200) copies, the Library of the University of Texas fifty (50) copies, the Secretary of the Senate fifty (50) copies, and the remainder to be delivered to the Chief Clerk of the House of Representatives for future use, and that the actual cost of material for said printing be paid out of the Contingent Expense Fund of the House of Representatives, the amount not to exceed One Hundred (\$100.00) Dollars.

ISAACKS,  
ANDERSON.

The resolution was read second time and was adopted.

#### RELATIVE TO THE TRANSFER OF OIL TANKERS

Mr. Morris offered the following resolution:

H. C. R. No. 171, Memorializing Congress in regard to transfer of oil tankers.

Whereas, Early in May of this year the Federal Government, through the United States Maritime Commission, authorized the release of twenty-five American tankers to be used to carry oil and products to North Atlantic ports for the British; and

Whereas, Additional tankers were transferred at a later date; and

Whereas, These tankers were used for the purpose of transporting oil from Venezuela; and

Whereas, This action of using

American tankers for the purpose of shipping oil from Venezuela to the United States and thence to Great Britain has materially affected the market for Texas crude; and

Whereas, It has been reliably reported that the United States Government is about to authorize additional tankers for the purpose of shipping crude oil and its products from Venezuela; and

Whereas, The withdrawal of additional tankers will affect the American public and the oil industry to the extent that substitute means of transporting petroleum products from the Gulf to the East Coast must be found, and the further transfer of tankers will also result in considerably reducing purchases of crude oil from Texas, Louisiana and other states which will mean the producers will have to curtail operations and let off employees; be it therefore

Resolved That the House of Representatives, the Senate Concurring, Go on record as opposing further transfer of tankers for the purpose of carrying oil and its products to the North Atlantic ports for the British; and be it further

Resolved, On the part of the House, the Senate Concurring, that a copy of this Resolution be forwarded to each member of the Texas delegation in Congress and also to the United States Maritime Commission.

MORRIS,  
TAYLOR,  
HARTZOG,  
VOIGT,  
HARDEMAN  
LANSBERRY,  
LYLE.

The resolution was read second time.

Mr. Harris of Hill moved to refer the resolution to the Committee on State Affairs.

Mr. Morris moved to table the motion to refer.

The motion to table prevailed.

Question then recurring on the resolution by Mr. Morris, it was adopted.

Mr. Morris moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

TO GRANT PERMISSION TO SUE  
THE STATE

Miss Files offered the following resolution:

H. C. R. No. 172, To grant R. W. Dillard and wife, Lillian Dillard, permission to sue the State of Texas.

Whereas, It is alleged that the State Highway Department of Texas did build and cause to be built during the years 1940 and 1941, by and through its duly authorized agents and representatives, and said Highway Department by and through its agents and employees did supervise and construct the building of State Highway No. 287 through the County of Ellis, and

Whereas, It is alleged R. W. Dillard and wife, Lillian Dillard, own real property consisting of farms and pastures through which a part of said highway traverses, and

Whereas, It is alleged that in the construction of said Highway by said Highway Department, such construction was done and performed in such a manner as to cause a large and long embankment to be constructed in such a way that it is impossible for said R. W. Dillard and wife, Lillian Dillard, to move farm equipment from barns and warehouses from one side of this embankment to the other side of said embankment without great hardship and actual danger both to life and property, and

Whereas, It is likewise alleged that it is impossible for said owners to bring the harvest of their fields from one side of the highway to barns and warehouses situated on the other side of the highway, and

Whereas, It is alleged that said owners, R. W. Dillard and wife, Lillian Dillard, are using a part of their land traversed by said highway for pasturage for stock, and

Whereas, Since the construction of this highway in the manner in which it was constructed by said

Highway Department, at certain seasons of the year it will be necessary to move stocks from the pasture on one side of the highway to the land belonging to them on the other side of this highway for the purpose of watering and caring for same, and

Whereas, It is alleged that prior to the construction of said highway a creek or branch in its natural course flowed across the property of said R. W. Dillard and wife, Lillian Dillard, in such a natural manner as to cause no inconvenience or detriment to his property, but was in fact an asset, and

Whereas, It is alleged that the said Highway Department in the construction of said highway did construct same in such a manner as to turn the natural flow of water from his land by the construction of deep and dangerous ditches and culverts in such a way as to cause said water to flow down a ditch and off of said property of said R. W. Dillard and wife, Lillian Dillard, and through a storm culvert constructed on property adjoining said property of R. W. Dillard and wife, Lillian Dillard, damaging his property with this unnatural overflow, and

Whereas, It is alleged that the natural course of this stream was changed to flow in an unnatural manner off of his property at such a level that water was caused to flow into the property of said R. W. Dillard and wife, Lillian Dillard, from the adjoining property that never in the natural course of this stream or the natural incline of the land adjoining him overflowed onto his land, and

Whereas, It is alleged that the construction of this culvert and the long embankment will cause water to back up on part of his land now used for farm purposes and thus arbitrarily make seasonable ponds and artificial lakes to the detriment of said property, and

Whereas, It is alleged that this culvert was constructed and the natural course of the stream was changed to a location on said highway so as to force all of the water draining from the land of the owners as well as the water flowing from

the land of the adjoining property owner through the construction of one culvert when it is alleged that in fact two culverts were actually needed, and

Whereas, It is alleged that this culvert was in fact not constructed at a location where the water from the property owner would naturally flow through, but it is alleged that the location of this culvert was made and constructed as an underpass so that cattle belonging to the adjoining property owner could use in going to and from pastures belonging to the adjoining property owners, and

Whereas, It is alleged that if the culvert to serve the overflow had been constructed at its proper place to serve the natural overflow, cattle belonging to R. W. Dillard and wife, Lillian Dillard, could use same at no additional expense to the Highway Department and at no inconvenience or extra cost to the Highway Department, and

Whereas, It is alleged that R. W. Dillard and wife, Lillian Dillard, are now compelled to either drive their cattle and livestock across a State Highway at great hazard or be compelled to either abandon the pasture for stock raising purposes or be compelled to drive their cattle off of their own land onto the land of another through this make-shift culvert and underpass, and thence back onto their own property, and

Whereas, It is alleged that in order to do this a fence or barrier will have to be constructed through the entire length of this culvert and lanes would have to be constructed leading back onto the property of said R. W. Dillard and wife, Lillian Dillard, which is impractical and at certain seasons of the year due to the flow of water through this culvert will make such procedure highly impractical if not impossible, and

Whereas, It is alleged that the Highway Department through its duly authorized agents and representatives have over the protest and without the consent of R. W. Dillard and wife, Lillian Dillard, torn down and removed fences constructed by R. W. Dillard to protect his property and have destroyed landmarks and property lines, and

Whereas, It is further alleged that they have failed and refused to reconstruct the fence along the right-of-way of the land that the Highway Department has taken from said property owners, and

Whereas, It is further alleged that R. W. Dillard and wife, Lillian Dillard, owners of the said property, have not been paid for the land thus taken, and

Whereas, The construction of said Highway No. 287 has left barriers and fences down which have not been reconstructed and where all of the alleged injuries herein set forth happened during the construction of said new highway, a part of which is now in the course of being constructed, therefore be it

Resolved by the House, the Senate concurring, That said R. W. Dillard and wife, Lillian Dillard, be and are hereby granted permission to bring suit against the State of Texas, and against the Highway Department of the State of Texas in any court of competent jurisdiction in Ellis County, Texas, in order to determine what compensation, if any, said R. W. Dillard and wife, Lillian Dillard, are entitled to receive by reason of such alleged damages; and in case such suit be filed service of citation or any other necessary processes shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in Civil cases, and that either parties to said suit shall have the right to appeal, and it is so resolved.

The resolution was read second time and was referred, by the Speaker, to the Committee on State Affairs.

#### HOUSE BILL NO. 7 ON THIRD READING

On motion of Mr. Hartzog, the regular order of business was suspended to take up and have placed on its third reading and final passage House Bill No. 7.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 7, A bill to be entitled "An Act to aid the City of Port Lavaca in constructing and maintaining revetments, and in the restoring, protection and improvement of the harbor and bay shore front of the City of Port Lavaca, and for the purchase, by condemnation or otherwise, of all lands necessary for said bay shore front and harbor improvements, all for public use, by donating to said City of Port Lavaca the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Calhoun County, State of Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misappropriation of funds raised therefor, and to declare an emergency."

The bill was read third time and was passed by the following vote:

## Yeas—66

Avant	Kersey
Baker	Leyendecker
Bean	Little
Bell	Lock
Boone	Love
Brown	Lowry
Bullock	Lucas
Burnaman	Lyle
Carrington	Manning
Cato	Markle
Cleveland	Martin
Colson, Mrs.	Matthews
Crothwait	Montgomery
Donald	Morse
Dove	Pace
Duckett	Phillips
Ellis	Price
Goodman	Rampy
Halsey	Reed of Dallas
Hargis	Roark
Hartzog	Sallas
Heflin	Simpson
Helpinstill	Spacek
Henderson	Spangler
Hileman	Stinson
Hobbs	Stubbs
Howard	Taylor
Hoyo	Turner
Huddleston	Vale
Huffman	Weatherford
Hughes	White
Kelly	Whitesides
Kennedy	Winfree

## Nays—48

Allison	Hutchinson
Alsup	Jones
Bailey	King
Blankenship	Klingeman
Brawner	Knight
Bridgers	Lansberry
Burkett	Lehman
Carlton	McCann
Coker	McLellan
Connelly	McMurry
Craig	Mills
Davis	Morris
Deen	Murray
Dickson of Bexar	Parker
Dickson of Nolan	Reed of Bowie
Eubank	Ridgeway
Favors	Rhodes
Fitzgerald	Roberts
Fuchs	Senterfitt
Gandy	Skiles
Garland	Thornton
Hanna	Voigt
Harris of Dallas	Walters
Howington	Wattner

## Absent

Benton	Humphrey
Bray	Isaacks
Bruhl	Kinard
Bundy	McAlister
Celaya	McDonald
Chambers	McGlasson
Crossley	McNamara
Daniel	Manford
Evans	Pevehouse
Ferguson	Sharpe
Files	Shell
Gilmer	Smith of Bastrop
Hardeman	Smith of Atascosa
Harris of Hill	Stanford

## Absent—Excused

Allen	Moore
Anderson	Morgan
Clark	Nicholson
Dwyer	

Mr. Hartzog moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

# HOUSE BILL NO. 361 ON FINAL PASSAGE

Mr. Lucas moved to suspend the rules for the purpose of making a

motion to reconsider the vote by which the motion to reconsider and table the vote by which House Bill No. 361 failed to pass, prevailed.

The motion to suspend the rules prevailed by the following vote:

## Yeas—95

Allison	Kersey
Alsup	Kinard
Avant	Klingeman
Bailey	Lehman
Baker	Leyendecker
Bean	Little
Blankenship	Lock
Boone	Love
Brown	Lowry
Bullock	Lucas
Bundy	Lyle
Carrington	McCann
Cato	McGlasson
Cleveland	McLellan
Colson, Mrs.	McMurry
Connelly	McNamara
Crossley	Manford
Crosthwait	Manning
Deen	Martin
Dickson of Bexar	Matthews
Dickson of Nolan	Montgomery
Donald	Morse
Dove	Murray
Duckett	Pace
Favors	Pevehouse
Ferguson	Phillips
Fuchs	Price
Gandy	Rampy
Garland	Reed of Dallas
Gilmer	Rhodes
Goodman	Sallas
Hardeman	Sharpe
Hargis	Simpson
Harris of Dallas	Skiles
Hartzog	Smith of Bastrop
Heflin	Smith of Atascosa
Helpinstill	Spacek
Henderson	Spangler
Hileman	Stubbs
Hobbs	Taylor
Howard	Turner
Howington	Vale
Huddleston	Walters
Hughes	Weatherford
Hutchinson	White
Jones	Whitesides
Kelly	Winfree
Kennedy	

## Nays—27

Brawner	Burkett
Bray	Carlton

Craig	Mills
Davis	Morris
Ellis	Parker
Eubank	Reed of Bowie
Files	Ridgeway
Halsey	Roberts
Hanna	Senterfitt
King	Stinson
Knight	Thornton
Lansberry	Voigt
McAlister	Wattner
Markle	

## Absent

Bell	Fitzgerald
Benton	Harris of Hill
Bridgers	Hoyo
Bruhl	Huffman
Burnaman	Humphrey
Celaya	Isaacks
Chambers	McDonald
Coker	Roark
Daniel	Shell
Evans	Stanford

## Absent—Excused

Allen	Moore
Anderson	Morgan
Clark	Nicholson
Dwyer	

Mr. Hobbs then moved to reconsider the vote by which the motion to table the motion to reconsider the vote by which House Bill No. 361 failed to pass prevailed.

The motion to reconsider prevailed.

Mr. Hobbs then moved to reconsider the vote by which House Bill No. 361 failed to pass.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

## Yeas—91

Allison	Bundy
Alsup	Burnaman
Avant	Carrington
Baker	Cato
Bean	Chambers
Bell	Cleveland
Blankenship	Coker
Boone	Colson, Mrs.
Brown	Connelly



Daniel	Little
Deen	Lock
Dickson of Bexar	Love
Dickson of Nolan	Lowry
Donald	Lucas
Dove	Lyle
Duckett	McCann
Eubank	McGlasson
Evans	McLellan
Favors	McMurry
Ferguson	McNamara
Garland	Manford
Gilmer	Manning
Goodman	Martin
Halsey	Matthews
Hargis	Montgomery
Harris of Dallas	Morse
Hartzog	Murray
Heflin	Pace
Helpinstill	Pevehouse
Henderson	Phillips
Hobbs	Rampy
Howard	Reed of Dallas
Hoyo	Roark
Huddleston	Sallas
Huffman	Sharpe
Hughes	Shell
Hutchinson	Simpson
Isaacks	Smith of Bastrop
Jones	Smith of Atascosa
Kelly	Spacek
Kennedy	Stubbs
Kersey	Vale
Kinard	Whitesides
Klingeman	White
Lehman	Winfree
Leyendecker	

## Nays—34

Bailey	Lansberry
Bray	McAlister
Bullock	Mills
Burkett	Morris
Carlton	Parker
Craig	Reed of Bowie
Crossley	Ridgeway
Ellis	Roberts
Files	Senterfitt
Fuchs	Skiles
Gandy	Spangler
Hanna	Stinson
Hileman	Thornton
Howington	Voigt
Humphrey	Walters
King	Wattner
Knight	Weatherford

## Absent

Brawner	Celaya
Bridgers	Crosthwait

Davis	Price
Fitzgerald	Rhodes
Hardeman	Stanford
Harris of Hill	Taylor
Markle	Turner

## Absent—Excused

Allen	Dwyer
Anderson	McDonald
Benton	Moore
Bruhl	Morgan
Clark	Nicholson

Mr. Lansberry raised a point of order on further consideration of House Bill No. 361 at this time, on the ground that after a bill has been previously defeated it is not in order for the same bill to be again considered at the same session.

The Speaker overruled the point of order.

Question: Shall House Bill No. 361 be passed?

House Bill No. 361 was passed by the following vote:

## Yeas—85

Avant	Hargis
Baker	Hartzog
Bean	Heflin
Bell	Helpinstill
Boone	Henderson
Brown	Hobbs
Bundy	Howard
Burnaman	Hoyo
Carrington	Huddleston
Cato	Huffman
Chambers	Hughes
Cleveland	Hutchinson
Coker	Jones
Colson, Mrs.	Kelly
Connelly	Kennedy
Daniel	Kersey
Deen	Kinard
Dickson of Bexar	Klingeman
Dickson of Nolan	Lehman
Donald	Leyendecker
Dove	Little
Duckett	Lock
Eubank	Love
Evans	Lowry
Favors	Lucas
Fitzgerald	Lyle
Gilmer	McGlasson
Goodman	McLellan
Halsey	McNamara

Manford	Sallas
Manning	Sharpe
Markle	Shell
Martin	Simpson
Matthews	Smith of Bastrop
Montgomery	Smith of Atascosa
Morse	Spacek
Murray	Stanford
Pace	Turner
Pevehouse	Vale
Phillips	White
Rampy	Whitesides
Reed of Dallas	Winfree
Roark	

## Nays—42

Allison	Knight
Alsup	Lansberry
Bailey	McAlister
Blankenship	McCann
Bray	McMurry
Bullock	Mills
Burkett	Morris
Carlton	Parker
Craig	Reed of Bowie
Crossley	Ridgeway
Ellis	Roberts
Files	Senterfitt
Fuchs	Skiles
Gandy	Spangler
Garland	Stinson
Hanna	Stubbs
Harris of Dallas	Thornton
Hileman	Voigt
Howington	Walters
Humphrey	Wattner
King	Weatherford

## Absent

Brawner	Hardeman
Bridgers	Harris of Hill
Celaya	Isaacks
Crosthwait	Price
Davis	Rhodes
Ferguson	Taylor

## Absent—Excused

Allen	Dwyer
Anderson	McDonald
Benton	Moore
Bruhl	Morgan
Clark	Nicholson

Mr. Bell moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

## ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 29

Mr. Fuchs submitted the following Conference Committee report on House Bill No. 29:

Austin, Texas, May 22, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 29, have met and beg leave to recommend that House Bill No. 29 be passed in the form hereto attached.

Respectfully submitted,

SULAK,  
GRAVES,  
MAURITZ,  
MARTIN,  
MOFFETT,

On the part of the Senate.

FUCHS,  
CHAMBERS,  
HOYO,  
CARRINGTON,

On the part of the House.

By Fuchs and Chambers:

H. B. No. 29,

## A BILL

## To Be Entitled

An Act to amend Article 1037, of the Revised Criminal Statutes of Texas of 1925, as amended by Senate Bill No. 222, Chapter 303, Acts of the Forty-first Legislature, Regular Session, relating to weights and measures; prohibiting the sale, use, or possession of false weights, measures, or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net

quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; requiring the name and address of manufacturer, packer, or distributor on packages; providing for certain variations in weight; prohibiting deceptive pack; providing for standard of fill of containers; providing standards for the sale of butter, milk, cheese, meat and meat food products, including poultry; prohibiting misrepresentation of price or quantity of commodity, thing, or service; providing for establishment of rules and regulations, including certain exemptions; defining certain terms; providing penalties for the enforcement of the Act; repealing laws in conflict; including a saving clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 1037 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Senate Bill No. 222, Chapter 303, Acts of the Forty-first Legislature, Regular Session, be and the same is hereby amended to read as follows:

"Article 1037. Any person who, by himself or by his servant or agent, or as the servant or agent of another person, shall offer or expose for sale, sell, use in the buying or selling of any commodity or thing, or for hire or award, or in the computation of any charge for services rendered on the basis of weights or measure, or in the determination of weight or measure when a charge is made for such determination, or retain in his possession, a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by the Commissioner, or his deputy, or inspectors, or by a sealer or deputy sealer of weights and measures within one year, or shall dispose of any condemned weight, measure, or weighing or measuring device contrary to law; or who shall sell or offer or expose for sale less than the quantity he represents of any commodity, thing, or service, or

shall take or attempt to take more than the quantity he represents, when, as the buyer, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of any commodity, thing, or service is determined; or who shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in a manner contrary to law; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by a fine or not less than Twenty Dollars (\$20) or more than One Hundred Dollars (\$100), upon a first conviction in any court of competent jurisdiction; and upon a second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than Fifty Dollars (\$50) or more than Two Hundred Dollars (\$200).

"Section A. The word 'person' as used in this Chapter shall be construed to include any individual and all officers, directors, managers, employees, and other agents of all corporations, companies, partnerships, societies and associations, and such is the legislative intent.

"The words 'weights, measures or (and) weighing or (and) measuring devices' as used in this Chapter, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

"The words 'sell' or 'sale' as used in this Chapter, shall be construed to include barter and exchange.

"The term 'false weight or measure, or (and) weighing or measuring device' as used in this Chapter, shall be construed to mean any weight or measure or weighing or measuring device which does not conform as closely as practicable to the official standards, which is not accurate, which is of such construction that it is not reasonably permanent in its adjustment or will not correctly repeat its indications, which facilitates the perpetration of fraud, or which does not conform to

the requirements of the Statutes of this State and of the specifications and tolerances promulgated by the Commissioner under authority of Article 5714, Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, as amended.

"Sec. B. It shall be unlawful to sell, except for immediate consumption on the premises, liquid commodities in any other manner than by liquid measure, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count: Provided, however, that liquid commodities may be sold by weight if there exists a general consumer usage to express the quantity of such commodities by weight and such expression gives accurate information as to the quantity thereof; and that nothing in this Section shall be construed to prevent the sale of fruits, vegetables, and other dry commodities in the standard barrel or by other methods provided for by State or Federal Law; or of berries and small fruits in boxes as provided for in the provisions of other Articles of the Statutes; or of vegetables or fruits usually sold by the head or bunch in this manner; provided further, that nothing in this Section shall be construed to apply to commodities put up in original packages.

"For the purposes of this Section the term 'original package' shall be construed to include a commodity in a package, carton, case, can, barrel, bottle, box, phial, or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, which may be labeled, branded, or stenciled, or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The words 'original package' shall be construed to include both the wholesale and the retail package.

"For the purposes of this Section the term 'commodities not liquid' shall be construed to include goods, wares, and merchandise, which are not in liquid form and which have heretofore been sold by measure of length, by weight, or by measure of capacity, or by numerical count, or

which are susceptible of sale in any of these ways.

"Sec. C. (1) It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any commodity in package form unless (a) the net quantity of contents, in terms of weight, measure, or numerical count; and (b) the name and place of business of the manufacturer, packer, or distributor shall be plainly and conspicuously marked on the outside of the package; provided, however, that under Clause (a) of this Section reasonable variations or tolerances shall be permitted, and exemptions as to small packages shall be made; and that under Clause (b) of this Section exemptions as to small packages and packages sold on the premises where packed shall be made; And provided further, that this Section shall not be construed to apply to those commodities in package form, the manner of sale of which is specifically regulated by the provisions of other Articles of the Statutes, or to bales of cotton; and that reasonable rules and regulations for the efficient enforcement of this Act, not inconsistent herewith, and including the reasonable variations or tolerances and the exemptions prescribed herein, shall be made by the Commissioner.

"(2) It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form if its container is so made, formed, or filled, or if it is so wrapped, as to mislead the purchaser as to the quantity of the contents; or if the contents of its container fall below the standard of fill prescribed by regulations promulgated as provided in this Section. For the effectuation of the purposes of this Section the Commissioner is hereby authorized to promulgate regulations fixing and establishing for any commodity in package form a standard of fill of container, which in his best judgment is reasonable with respect to the physical characteristics of the commodity, the size, shape, and physical characteristics of the container, prevailing methods of handling and transportation of packages, and generally accepted good commercial practice in filling methods;

Provided, however, that reasonable variations or tolerances shall be permitted, and that these reasonable variations or tolerances shall be established by regulations made by the Commissioner.

"(3) The words 'in package form' as used in this Chapter, shall be construed to include a commodity in package, carton, case, can, box, bag, barrel, bottle, phial, or on a spool or similar holder, or in a container or band, or in a roll, ball, coil, skein, or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, or when put up prior to the order of the commodity, by the vendor, which may be suitable for labeling, branding or stenciling, or marking otherwise, making one complete package of the commodity. The words 'in package form' shall be construed to include both the wholesale and the retail package: Provided, however, that a box or carton used for shipping purposes containing a number of packages which are individually marked, as hereinbefore provided, will not be required to bear the weight or measure of the contents thereof, nor the name and place of business of the manufacturer, packer or distributor; And provided further, that the words 'in package form' shall not be construed to include paper stationery in tablet form.

"Sec. D. It shall be unlawful for any person to sell, or offer to sell, any butter or renovated or process butter or oleomargarine in any other manner than by weight. It shall be unlawful for any person to put up, pack, or keep for the purpose of sale, offer or expose for sale, or sell any butter or renovated or process butter, or oleomargarine, in the form of prints, bricks, or rolls, in any other than the following sizes, to wit, one-quarter pound, one-half pound, one pound, one and one-half pounds, or multiples of one pound. Each print, brick, or roll shall bear a definite, plain, and conspicuous statement of its true net weight and the name and place of business of the manufacturer, packer, or distributor; Provided, however, that reasonable variations or tolerances in weight shall be permitted, and that these reasonable variations or

tolerances shall be established by regulations made by the Commissioner.

"The prints, bricks, or rolls referred to in this Section shall be construed to include those prints, bricks, or rolls put up by the manufacturer or packer; or when put up prior to the order of the commodity, by the vendor.

"Sec. E. It shall be unlawful for any person to keep for the purpose of sale, offer or expose for sale, or sell, any milk or cream in bottles or other containers of any capacity other than those provided for measures of capacity for liquid in Article 5732, Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, to wit, the gallon, a multiple of the gallon, one-half gallon, quart, pint, one-half pint, and gill.

"Sec. F. It shall be unlawful for any person to keep for the purpose of sale, offer or expose for sale, or sell, except for immediate consumption on the premises, any cheese, meat, or meat food products otherwise than by standard net weight: Provided, however, that any cheese, meat, or meat food products, in package form, shall comply with the requirements of Section C of this Article. For the purposes of this Section the following shall be deemed to be meat and meat food products: All fresh, cured, or salt meats, fish, poultry, sausage, chile, head cheese, souce meat, loaf meat, boneless meat, shredded meat, hamburger meat, or any other manufactured, prepared, or processed meat or meat food products. This Section shall be construed to require that all poultry sold by live weight shall be weighed alive at the time of sale, and that any poultry dressed or killed prior to time of sale, whether cooked or uncooked, shall be sold by net weight at time of sale and not by live weight or by the piece.

"The word 'poultry' as used in this Section shall be construed to include turkeys, chickens, ducks, geese, guineas, squabs, and all other domesticated fowls.

"Sec. G. Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity; and all contracts concerning goods sold on a basis of weight shall be understood

and construed accordingly. Whenever the weight of a commodity is mentioned in this Chapter, it shall be understood and construed to mean the net weight of the commodity.

"Sec. H. It shall be unlawful for any person to misrepresent the price of a commodity, thing, or service sold or offered or exposed for sale, or to represent the price or the quantity of any commodity, thing, or service sold or offered or exposed for sale in any manner calculated or tending to mislead or deceive an actual or prospective customer. Whenever any price sign, tag, card, poster, or other advertisement displaying the price of any commodity or thing, includes a whole number and a fraction, the figures in the fraction shall be of proportionate size and legibility with those of the whole number.

"Sec. I. There shall be no violation under this Act for any discrepancy between actual weight or volume at the time of sale to the consumer and the weight marked on the container or between the fill of container and the capacity of the container if such discrepancy is due to unavoidable leakage, shrinkage, evaporation, waste or to causes beyond the control of the seller acting in good faith.

"Sec. J. Any person who shall violate any provisions of this Act, or any of the reasonable rules and regulations promulgated hereunder, for which a specific penalty has not been provided, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Twenty Dollars (\$20) or more than One Hundred Dollars (\$100) upon a first conviction in any Court of competent jurisdiction; and upon a second or subsequent conviction in any Court of competent jurisdiction shall be punished by a fine of not less than Fifty Dollars (\$50) or more than Two Hundred Dollars (\$200)."

Sec. 2. If any Article, Section, provision, subdivision, or part of this Act should be held invalid for any reason, it is the legislative intent that the remainder of the Act shall remain in full force and effect.

Sec. 3. House Bill No. 110, Chapter 53, Acts of the Third Called Session of the Thirty-eighth Legislature, and all other laws or parts of laws in

conflict with this Act are hereby repealed.

Sec. 4. The fact that many commodities are being sold in this State in package form without the net quantity of contents being marked thereon, and the further fact of the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Chambers, the Conference Report was adopted by the following vote:

Yeas—106

Allison	Gilmer
Avant	Goodman
Bailey	Hanna
Baker	Hardeman
Bean	Harris of Dallas
Bell	Heflin
Blankenship	Helpinstill
Boone	Henderson
Bray	Hileman
Bridgers	Hobbs
Brown	Howard
Bullock	Howington
Bundy	Hoyo
Burkett	Huffman
Burnaman	Hughes
Carrington	Humphrey
Cato	Hutchinson
Chambers	Kelly
Cleveland	Kennedy
Coker	Kinard
Colson, Mrs.	Klingeman
Connelly	Knight
Crossley	Lehman
Daniel	Leyendecker
Davis	Little
Deen	Lock
Dickson of Bexar	Love
Dickson of Nolan	Lowry
Donald	Lucas
Dove	Lyle
Duckett	McCann
Ellis	McLellan
Eubank	McMurry
Evans	Manford
Favors	Manning
Ferguson	Markle
Files	Martin
Fitzgerald	Matthews
Fuchs	Mills
Gandy	Montgomery

Morse	Sharpe
Murray	Simpson
Pace	Skiles
Parker	Smith of Bastrop
Pevehouse	Smith of Atascosa
Price	Spacek
Reed of Dallas	Stinson
Ridgeway	Thornton
Rhodes	Vale
Roark	Voigt
Roberts	White
Sallas	Whitesides
Senterfitt	Winfree

**Nays—13**

Carlton	McNamara
Craig	Morris
Garland	Phillips
Jones	Rampy
Kersey	Reed of Bowie
King	Wattner
McAlister	

**Absent**

Alsup	Lansberry
Brawner	McGlasson
Celaya	Shell
Crosthwait	Spangler
Halsey	Stanford
Hargis	Stubbs
Harris of Hill	Taylor
Hartzog	Turner
Huddleston	Walters
Isaacks	Weatherford

**Absent—Excused**

Allen	Dwyer
Anderson	McDonald
Benton	Moore
Bruhl	Morgan
Clark	Nicholson

**MESSAGE FROM THE SENATE**

Austin, Texas, May 26, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 930, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General's Department incident to the support of the Texas Defense Guard; etc., and declaring an emergency."

H. B. No. 948, A bill to be entitled "An Act creating Eolian Common School District No. 4 wholly estab-

lished in Stephens County, Texas, including therein the present Eolian Common School District, and certain territory in Stephens County not now a part of said District; etc., and declaring an emergency."

H. B. No. 1000, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein, in certain counties to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, or other recreational facilities; etc., and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act amending Article 8221 of the Revised Civil Statutes of Texas of 1925 so as to provide that in certain counties the County Treasurer, for acting as treasurer of a navigation district, shall receive from such district, as compensation for his services, a salary of Fifty Dollars (\$50) per month; etc., and declaring an emergency."

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term 'intrastate business' as used in Article XIV, Section 1 (a) of H. B. No. 8, Acts of the Regular Session, Forty-seventh Legislature; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in certain counties; etc., and declaring an emergency."

S. B. No. 482, A bill to be entitled "An Act authorizing Commissioners' Courts in certain counties to formulate a general personnel system and rules and regulations covering hours of work; etc., and declaring an emergency."

**Adopted**

S. C. R. No. 65, Suspending certain Rules to consider Senate Bill No. 119, etc.

The Senate has refused to concur in House amendments to Senate Bill 470 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

**Senators** Moore, Shivers, Van Zandt, Weinert, Chadick.

Concurred in House amendments to S. B. No. 301 by the following vote: Yeas, 29; nays, 0.

Passed

H. J. R. No. 1, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 49a, requiring all bills passed by the Legislature on and after January 1, 1945, appropriating money for any purpose to be sent to the Comptroller of Public Accounts; etc., and declaring an emergency.

Respectfully,

**BOB BARKER,**

Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 477, to the Committee on Counties.

S. B. No. 482, to the Committee on Counties.

#### REQUEST OF SENATE GRANTED

On motion of Mr. Morris, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 470.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 470:

Messrs. Morris, Bell, Cato, Brown and Skiles.

#### HOUSE BILL NO. 518 PASSED NOTWITHSTANDING VETO OF THE GOVERNOR

Mr. Stanford called up for consideration, at this time, House Bill No. 518 with veto by the Governor,

H. B. No. 518, A bill to be entitled "An Act authorizing the Commissioners' Courts in all counties having a population of not less than one hundred thousand (100,000) and not more than one hundred ninety thousand (190,000) inhabitants, according to the last preceding Federal Census, to determine the maximum annual salary to be paid an officer named in Section 13 of Chapter 465 of the Acts of the Second Called Session of the Forty-fourth Legislature, where such officer's salary was based upon population under the laws existing on August 24, 1935, on the basis of the population of said county, according to the last preceding Federal Census; provided that the Commissioners' Courts in said counties are authorized to fix the maximum annual salary for the balance of the fiscal year 1941 after the effective date of this Act on the basis of the Federal Census of 1940 and thereafter according to the last preceding Federal Census, and declaring an emergency."

On motion of Mr. Stanford, House Bill No. 518 was passed notwithstanding the veto of the Governor by the following vote:

#### Yeas—81

Allison	Hardeman
Alsup	Hargis
Avant	Harris of Dallas
Bean	Hartzog
Bell	Heflin
Blankenship	Helpinstill
Boone	Henderson
Bray	Hileman
Brown	Howington
Bullock	Hoyo
Burnaman	Huffman
Carlton	Hughes
Carrington	Isaacks
Cato	Jones
Cleveland	Kelly
Coker	Kennedy
Colson, Mrs.	Kersey
Craig	Knight
Crossley	Lansberry
Donald	Lehman
Eubank	Leyendecker
Favors	Little
Ferguson	Lock
Files	Love
Fitzgerald	Lyle
Gandy	McAlister
Gilmer	McCann
Halsey	Markle



Martin	Simpson
Matthews	Skiles
Mills	Spangler
Montgomery	Stanford
Morris	Thornton
Morse	Turner
Murray	Vale
Pevehouse	Walters
Reed of Dallas	Wattner
Ridgeway	Weatherford
Sallas	Whitesides
Senterfitt	Winfree
Sharpe	

**Nays—23**

Bailey	Huddleston
Baker	King
Burkett	Lowry
Connelly	McGlasson
Daniel	McNamara
Davis	Pace
Dickson of Bexar	Parker
Dickson of Nolan	Phillips
Duckett	Price
Ellis	Rampy
Fuchs	Smith of Atascosa
Hanna	

**Present—Not Voting**

Bridgers	Manning
Dove	Reed of Bowie
Garland	Roberts
Humphrey	Smith of Bastrop
Klingeman	Spacek
Lucas	

**Absent**

Brawner	Kinard
Bundy	McLellan
Celaya	McMurry
Chambers	Manford
Crosthwait	Rhodes
Deen	Roark
Evans	Shell
Goodman	Stinson
Harris of Hill	Stubbs
Hobbs	Taylor
Howard	Voigt
Hutchinson	White

**Absent—Excused**

Allen	Dwyer
Anderson	McDonald
Benton	Moore
Bruhl	Morgan
Clark	Nicholson

Mr. Stanford moved to reconsider the vote by which the bill was passed notwithstanding veto of the

Governor and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 1011 ON SECOND READING**

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 1011, A bill to be entitled "An Act appropriating the sum of Three Hundred Thousand Dollars (\$300,000.00) out of any funds in the State Treasury, not otherwise appropriated, annually, for the purpose of providing permanent funds or revenue for the 'Firemen's Relief and Retirement Fund' created by House Bill No. 258, Chapter 125, page 229, of the General Laws of the Regular Session of the 45th Legislature, approved April 9th, 1937; providing for the disbursement thereof; and declaring an emergency."

The bill was read second time.

Question: Shall House Bill No. 1011 pass to engrossment?

**A REPORT TO THE 47TH TEXAS LEGISLATURE ON AGRICULTURE FINDINGS AT WASHINGTON, D. C.**

On motion of Mr. Evans, the following was ordered printed in the Journal:

The following report is herewith submitted by Roger Q. Evans, as an official representative from the House of the Texas 47th Legislature, before a hearing on agriculture findings, at the National Congress in Washington, D. C., May 5, 6, 7, and 8, 1941.

At the request of Senator Cotten, Ed Smith of South Carolina, Chairman of the Senate Agricultural Committee, and Congressman Fulmer, Chairman of the House Agricultural Committee, officials and leaders of Agriculture, were invited to appear before Congress to help work out some solution or legislation that would place farmers upon parity with labor and capital.

Whereas, the association of Commissioners, secretaries, directors and legislators of Agriculture, represent-

ing twenty-six states, met in joint meetings Monday and Tuesday with Honorable Chairman Roy Jones, Commissioner of Agriculture of South Carolina, and President of the National Association of Commissioners, to study all phases of Agriculture, and to try to work out some solution wherein farming conditions may be improved.

After two days of discussing of sectional points of views, not only on the basic crops, but agriculture in general, the members of the National Association, and the Southern Association, came to one accord, that agriculture must be looked upon as a whole and not as a part. From this idea the delegation got down to business to work out their problems.

First, it was agreed by all that the present yard stick used to gauge parity was unfair, in that the present parity is based upon conditions and prices of 1909 to 1914, which does not represent over 60% of our present parity. This should be re-adjusted on present values and parity established on present conditions.

Second, that the farmers of our Nation are entitled to a fair share of the Nation's income, and should demand this consideration.

Third, that our Government guarantees industry through tariff protection a fair margin of profits. This guarantee should be extended to agriculture.

Fourth, that labor has a guarantee through protective laws, placing a floor under wages, and a ceiling over the hours. Agriculture should have an equal break.

Fifth, To the distressed farmers, the Government demands a curtailment program, that is bordering on agriculture disaster. After analyzing these facts, for the first time in our history, have the Commissioners of Agriculture agreed upon a program, and adopted unanimously a Resolution, demanding that our National Congress, recognize and enact a permanent agriculture program that would give the farmer his just reward, by paying full parity on that part of production domestically consumed. The Resolution, though brief, is no more far-reaching in its demands than it is in its worthiness.

Resolution by the Commissioners, Secretaries and Directors of Agriculture in Washington.

D. C., May 6, 1941

"Whereas, We, the Commissioners, Secretaries and Directors of Agriculture, being the legal and constitutionally authorized representatives of all the citizens of our respective States, as well as of Agriculture, and representing a majority of the States of the Nation, assembled in Washington, D. C., on May 6, 1941;

Believing that agriculture is entitled to equal protection as the foundation upon which our National Defense must be supported, and that it should be assured complete equality with industry and with labor;

And believing that those agricultural commodities which are traded in on the Commodity Exchanges is the least number of agriculture products that should be assured parity prices in the domestic market;

And believing that the domestic price on these products should be protected by a tariff or excise tax on competing imports to the extent that the landed cost equals parity plus ten per cent (10%);

And believing that the surpluses of those products of which we produce more than our domestic requirement be sold in the World markets at World prices, and thus put the American farmer in a position to vigorously compete in the World markets to regain their rightful position to share in the commerce of the World; Now, Therefore, be it

Resolved, That we urgently request the Congress to provide the means by which the farmers of the Nation be paid full parity prices on their products consumed in the domestic market.

Resolved, further, That a copy of this Resolution be forwarded to the President of the United States, the Secretary of Agriculture, the President of the Senate, the Speaker of the House of Representatives, and to each member of the Senate and House."

Wednesday morning, the Commissioners of Agriculture from other states appeared before the powerful Agriculture Committee of Congress

and submitted their endorsement to the resolution, and their reasons for so doing.

Thursday morning, was set aside for the Texas Delegation, composed of J. E. McDonald, Senator J. L. Sulach, Representative Roger Q. Evans, and Charles Simmons of Lubbock, Texas, to present their arguments in behalf of Texas Agriculture and Livestock. This committee ably and forceably introduced, not only the resolution, but went into detail, explaining the true condition as found by the subcommittee created by the Texas 47th Legislature, to study ways and means of improving the plight of the Texas farmers and stockman. At the completion of the hearing, the Chairman, as well as others, urged the Texas Delegation to submit a bill to the National Congress along the lines discussed, that they, Congress may seriously consider a permanent, far-reaching legislative program, that would place agriculture on a firmer and sounder basis, instead of temporarily from year to year, as has been the policy followed in the past.

There is no doubt, but what, both Congressmen and Senators have given much study to the deplorable conditions that agriculture faces, and now have a keen desire to render the country the greatest services possible, for a National Body to render, by placing agriculture on an equal footing with industry, labor, and other vocations of our citizenship. Further, there is no question but what these able representatives of ours are at a loss to know what should be done, but they admit that something must be done for agriculture, if this Nation withstands the far-reaching disasters that now face agriculture and our citizenship.

To back up this argument, I wish to quote from remarks made by men with National fame at a round table discussion:

First, I wish to quote from remarks made by Senator Cotten Ed Smith of South Carolina, who has been Chairman of the Senate Agriculture Committee for many years:

"I have been in the Senate thirty-two years, and am a bigger fool now, than when I came. Association did it. Our farmers are being controlled by a bunch of men that don't know

a jimpson weed from a stalk of cotton. Our agriculture program for the past few years has been trying to bring prosperity by curtailment, until now we haven't a tail to curtail. Our present agriculture program, even though it has some good merits, must fall from its own irregularities and infirmities. We now have six million bales of cotton, owned by our Government, with four million bales with Government loans. While we have curtailed production, and accumulated over ten million bales, our foreign countries have set up machinery and are now producing much of our world supply of cotton. This has been made possible, and encouraged by National Congress and a few agriculture leaders, with a very small per cent of farmers, profiting temporarily, at the expense of the small farmer."

Senator Smith made this declaration:

"If the farmer has a shirt on his back two years from now, he can thank God, for the farmer has seen his happiest years in the way of prosperity.

"We are now faced with one of two definite facts, repudiation of our debts, or inflation. It is now time that Congress take charge of our circulation medium, instead of the banks."

Senator Thomas, of Oklahoma, who is an expert on monetary values, was bold in his remarks:

"Gold and silver are no longer used as money. The money question is the people's vital issue. It is a matter of repudiation or inflation; before agriculture can survive another year or two. Congress nor Agriculturist, as a people, realize the plight that faces the producer of agriculture, which consists of 1/3 of our population, and this 1/3 feeds and clothes the other 2/3, which also keeps the wheels of industry humming, and gives employment to another 1/3 of our population."

Treasurer Julian, who holds the key to all the money, gold and silver, stored underground, or in the U. S. vaults, stated:

"There are two things inevitable for the farmers, 'inflation' or 'repudiation of their debts.' The farmer's condition with the world events as they are, is far worse than the farm-

er or public realizes. The money lender does realize however, and unless the farmer receives a fair share of the National income, or is assured this through full parity, or otherwise, the credits may be withdrawn, which would paralyze, in general, all agriculture pursuits."

In summarizing briefly my thoughts, as well as the thoughts of others, as expressed to me by such men as Honorable Speaker Sam Rayburn, Senator Tom Connelly, Congressman Beckworth, Kleberg, Poage, South, etc., I would say that National Congress, through lack of organized pressure from the rank and file, which are our small farmers, is consistently yielding to the pressure from mechanized big type farming, at the expense of humanity. The leaders admit they have consistently favored through pressure, a small minority of our more progressive farmers, which has made it possible, through agriculture legislation, to let this minority expand, not only at the expense of the smaller farmer, but at the expense of society and democracy. This class of people do not have security in this land of ours, and may not have but little, if any, democracy in their veins, especially, when our government, through its ill advised leaders, has legally created such conditions. Our agricultural leaders, in both branches of our National Government, now forceably realize our agricultural plights, and are desperately in need of organized encouragement to rectify their admitted blunders, before the crash comes, but they, our National lawmakers, admit that with our international crisis, so far reaching and over-shadowing in presumed importance, that our Nation is in as much danger from an inward collapse, as from dangers without.

In other words, if an immediate floor is not put under the price of agricultural products on a fair parity basis, with restrictions removed on production, our Nation faces the cold facts of being more unprepared for peace than we are unprepared for war. Many of our national leaders are more afraid of peace than war, as far as protecting the economics of our Nation are concerned.

Picture for a moment, if you please, a complete surrender of Eng-

land, which may be a permanent complete loss of our foreign markets, and a shut-down of all our National Defense Projects, with millions unemployed, and with the buying power of our population jeopardized, and view this with the farmer's plight, and see what you and I would be faced with. Then, I would ask, "Would our Democracy be safe?"

I earnestly, sincerely appeal to every Texas Legislature, whether from the City or rural areas, to arise as Statesmen, and if you please, as heroes of your country, in this time of agricultural crisis which parallels, or surpasses any other single crisis, and help make secure the largest industry in Texas or the Nation—Agriculture, and its pursuits, which feeds and clothes the Nation.

By demanding parity, for the farmer on that portion of his production used domestically, and this parity based upon the present value of the dollar, instead of the 1909 to 1914 value, as now figured, which is about 60% parity. Cotton, under a fair parity, should have a floor of not less than 20¢ per pound, wheat \$1.50 per bushel, Corn \$1.00, or more, and other farm products priced accordingly, including beef, pork and dairy products.

For the protection of the masses, and the public in general, a control of big type farming at the expense of the tax payers should be instituted as follows:

1. By paying parity only on quantities produced in bales, bushels, pounds, or quantities, instead of on acreage basis, and this be restricted to a family unit, basing this production on the size and need of the family to guarantee a standard of living so merited by the American farmer.

Members of the 47th Legislature, My friends and colleagues, in conclusion, I wish to leave this thought:

That there is no greater service that you can render yourself, your neighbor, your merchant, your industries, your State, or your Nation in this hour of distress, than to throw your whole support behind legislation, both state and national, that will place rural life on an equal security and protection that agriculture justly and rightfully deserves

and must have, or in a few years hence, we will face the cold facts of repudiation of debts.

#### MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

May 26, 1941.

To the House of Representatives of the Forty-seventh Legislature:

I am returning House Bill No. 349 without my approval.

In my opinion this bill establishes too broad an opportunity for creating debt. Our Constitution specifically prohibits the State of Texas from going into debt more than \$200,000 at any one time, yet this bill sets up a system of financing whereby six great State Institutions and their branches can do some trick and fancy financing which might run into millions of dollars. I am convinced that the taxpayers of this State of Texas do not want these broad powers for borrowing money extended to a large group of State Institutions. Under the terms of this bill all of these various institutions could start on a building and improvement program which might run into several million dollars.

I am aware of the fact that the technical provisions of the bill state that only certain income or revenue is pledged as collateral for the bonds that may be issued and sold, and that in no manner shall the State Institution issuing the bonds be held liable for payment of the principle or interest, nor shall the State of Texas ever be held liable for the payment of principle or interest, but every honest-thinking citizen of Texas knows there is a moral State obligation involved when money is borrowed by any division of our State Government, and such money is spent in building a building on State property. If the revenue anticipated should fail to be received, and the payment on the bonds should default, this great State of Texas would not expect to retain those buildings on their soil and have them used for State purposes without paying the bonds and interest. It would simply be dishonest in my opinion for the State to not

redeem such bonds and the people of Texas are too fair and honest to ever permit that thing to happen.

I have talked to many bankers and financiers about this kind of financing, and practically every one of them has admitted to me that the moral obligation of the State of Texas is back of these bonds, and that the bonds could not possibly be sold to a sane investor unless he had confidence in the moral integrity of the State in addition to the confidence he has in the revenue that may or may not come in as anticipated.

In my opinion this kind of financing is extremely dangerous when extended to one specific State Institution for specified buildings and improvements, but I believe such financing would be tolerated by the people of this State in individual cases where the specific plans of one individual institution is laid before the Members of the Legislature and acted upon individually.

I was forced, for these very same reasons, to veto House Bill No. 371 some days ago, which opened up this sort of dangerous financing to another large group of public institutions and I think, for the protection of the taxpayers of this State no blanket authorization of financing of this kind should be enacted by this Legislature.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

#### ADDITIONAL SIGNER OF HOUSE BILL

By unanimous consent of the House, the following Member was authorized to sign bill as co-author of same, as follows:

Mr. Morris: House Bill No. 972.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

S. C. R. No. 62, Authorizing the loan of certain highway equipment.

H. C. R. No. 159, Granting the extension lease to the City of Austin.

H. C. R. No. 157, Suspending Joint Rules to consider House Bill No. 268.

S. B. No. 473, "An Act creating and establishing Erath County Road District No. 5 in Erath County, Texas; etc., and declaring an emergency."

S. B. No. 472, "An Act creating and establishing Erath County Road District No. 4 in Erath County, Texas; etc.; and declaring an emergency."

S. B. No. 301, "An Act to regulate 'transportation agents' defining the terms 'person,' 'Commission,' etc.; and declaring an emergency."

H. B. No. 1001, "An Act authorizing independent school districts in counties having a population of not less than one hundred and three thousand (103,000) and not more than one hundred and nine thousand (109,000), according to the last preceding Federal Census, to levy and collect additional maintenance taxes; providing for elections to authorize such tax levies; and declaring an emergency."

H. B. No. 405, "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the 4th Called Session, 43rd Legislature, by adding a new section to be known as Section 3-a, to provide that the Directors of the Authority who shall be appointed subsequent to the effective date of this Act shall be residents of counties through which the Colorado River flows or which are adjacent to the Colorado; and declaring an emergency."

H. B. No. 768, "An Act relating to the subject of bonds, notes and warrants heretofore issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, and the Board of Directors of the Texas College of Arts and Industries, under Chapter 5, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the

validating of the bonds, warrants and notes issued by said boards, the resolutions and other proceedings authorizing the issuance and the provisions made for the payment of principal and interest of such bonds, warrants and notes; and making it the duty of said boards to fix, maintain and collect charges or rates sufficient to pay interest and principal as it accrues and matures on bonds, warrants and notes heretofore or hereafter issued (pursuant to resolutions heretofore adopted), and to create and maintain reasonable reserves as prescribed in resolutions authorizing the issuance of such securities; and declaring an emergency."

H. B. No. 356, "An Act authorizing the Commissioners' Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 633, "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, providing that when the Commissioners' Court shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm, or corporation shall be paid on a pro rata basis from each fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

H. B. No. 1008, "An Act relating to the payment to the County Judges in counties of not less than 7,050 and not more than 7,075 population, according to the last preceding Federal Census, a compensation for the services of such county judges as budget officers of the counties; providing for the payment of such compensation out of the General Fund and/or Officers' Salary Fund of such counties in addition to any and all compensation now provided by law to be paid such county judges; repealing all laws or parts of laws, special and general, in conflict or inconsistent with the provisions of this Act; providing effective date of

this Act; and declaring an emergency."

H. B. No. 608, "An Act amending House Bill No. 438, Acts of the Regular Session, Forty-sixth Legislature, 1939, by eliminating from the provisions thereof counties having a population of not less than seven thousand seven hundred (7,700) and not more than seven thousand eight hundred (7,800) according to the Federal Census of 1930; and declaring an emergency."

H. B. No. 889, "An Act authorizing the Commissioners' Court in any county having a population of not less than Twenty Thousand, Five Hundred and Fifty-six (20,556) and not more than Twenty Thousand, Five Hundred and Fifty-eight (20,558), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the County; and declaring an emergency."

H. B. No. 514, "An Act repealing Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the 44th Legislature, as amended by Senate Bill No. 24, Chapter 5, Acts of the 46th Legislature; and declaring an emergency."

H. B. No. 285, "An Act amending Section 9, Chapter 15, General Laws, 41st Legislature, Second Called Session, to provide that any person violating any of the provisions of this Act may be prosecuted therefor in any county of this State where such violation occurs; and declaring an emergency."

H. B. No. 880, "An Act providing for the preservation of bank examiners' reports and correspondence files and for the preservation of the books, records and files of insolvent banks, and further providing for the destruction of such reports and correspondence and sale or destruction of such books, records and files of insolvent banks; and declaring an emergency."

H. B. No. 1004, "An Act providing in all counties having a population

of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all mail persons who do not reside in an incorporated city, town or village, the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May first of each year the sum of Three Dollars (\$3); providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 750, "An Act amending Chapter 39, Acts of the 44th Legislature, by adding thereto Section 3, providing that the authority conferred on the Court to alter, change, or supersede the provisions of judgments providing for the support of minor children, and the authority conferred upon the Court to enforce such judgments may be exercised by the Judge of said Court in vacation; and declaring an emergency."

H. B. No. 1023, "An Act exempting Truscott Independent School District of Knox County from county supervision, providing for a separate depository; and declaring an emergency."

H. B. No. 94, "An Act to amend Section 2, Chapter 446, Page 1049, Forty-fifth Legislature, Regular Session 1937, pertaining to the issuance of a warrant of arrest in judicial proceedings in lunacy cases, form and requisites thereof and return to the County Judge whereby the Sheriff or Constable executing said warrant with the consent of the Superintendent of any State Hospital may place said person in a place especially provided therefor at such Hospital to be remanded to the Sheriff or Constable to be taken before the County Judge, and declaring an emergency."

H. B. No. 440, "An Act to make it unlawful to shoot, kill, maim, injure, molest, entrap, or detain an Antwerp messenger or homing pigeon, commonly called a 'carrier pigeon,' and to provide a penalty for the violation thereof."

H. B. No. 921, "An Act to declare a closed season on the killing of deer, dove and quail in Culberson County and the killing of quail and dove in Hudspeth County for a period ending February 1, 1945; prescribing a penalty therefor; and declaring an emergency."

#### HOUSE BILLS ON FIRST READING

The following House bills introduced today, were laid before the House, read severally first time, and referred to the appropriate committee, as follows:

By Mr. Taylor, Mr. Deen, Mr. Reed of Bowie, and Mr. Fitzgerald:

H. B. No. 1055, A bill to be entitled "An Act to prevent and prohibit the sale, barter or exchange of spirituous, vinous, and malt liquors, or medicated bitters capable of producing intoxication, within ten miles of any fort, arsenal, training camp, cantonement, aviation field or school where soldiers, sailors, marines or aviators, or other persons connected with National defense, are being quartered, held or trained, or where ships or tanks or airplanes, or any parts thereof or therefor, or any other military facilities or supplies whatever, are being built under contract with the Government of the United States, in or for any branch of the Army or Navy of the United States; to prevent and prohibit the transportation of such liquors into such territory; to provide against application for suspended sentence in such cases; to prohibit the issuance of liquor licenses in such territory; authorizing and empowering the Attorney General to enjoin the sale of liquors prohibited by this Act, or any conduct in violation of said Act, and authorizing the District or County Attorney of the county where the violations occur to maintain suit in the name of the State to enjoin and prevent the sale of such liquors or the violations of this Act; to provide suitable pun-

ishment in such cases; and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. White:

H. B. No. 1056, A bill to be entitled "An Act to amend Section 2 of House Bill No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, by authorizing any city or county, having a population of not less than fifteen thousand (15,000) and not more than fifteen thousand two hundred fifty (15,250) to issue its general obligation bonds or warrants for the purpose of acquiring and improving land for airport purposes; providing that the authority given for the issuance of such bonds and the levy or collection of taxes in payment thereof shall be exercised in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes, 1925; providing that no election shall be necessary to authorize the issuance of such warrants but the city or county shall comply with the provisions of Chapter 163, Acts of the Regular Session of the Forty-second Legislature with reference to notice of intention to issue such warrants, and the levy of taxes in payment thereof, and the right to referendum election therein specified shall apply; providing that this Act shall not repeal any existing law; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Whitesides:

H. B. No. 1057, A bill to be entitled "An Act providing (1) an open season for quail in Cherokee County from December 1 in one year to January 16 in the following year, both days inclusive; (2) that it shall be lawful to kill quail in Cherokee County on Monday, Wednesday and Friday of each week, after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week; that twelve (12) quail shall be the limit which any one person may kill in any one



day during this period; (3) that quail may be hunted and killed in Cherokee County only on Sundays and Wednesday during the period from December 1 of one year to January 16th of the following year, both days inclusive; (4) that it shall be unlawful to take, kill, or attempt to take or kill any quail in Cherokee County; providing that no section of this Act shall be effective in Cherokee County unless and until the qualified voters of the county, by a majority vote at an election held for such purposes, shall have voted therefor; providing that only one section of this Act shall be submitted at any one time for ratification; providing the manner of calling and holding such election; providing for the posting of returns of such elections, describing the length of time which must intervene before a second election may be held on the same matter; providing that the cost of such election shall be borne by the petitioners asking for such election; describing violations of this Act and prescribing penalties therefor; limiting the effect of this Act to Cherokee County, and repealing all laws or parts of laws in conflict herewith, insofar as they apply to Cherokee County; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Lyle:

H. B. No. 1058, A bill to be entitled "An Act amending House Bill No. 843 of the Regular Session of the Forty-seventh Legislature by adding a new section to be numbered Section 1a, and to provide exemption as to certain waters of Lake Corpus Christi; and declaring an emergency."

Referred to Committee on Game and Fisheries.

Mr. Alsup asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1059.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Alsup:

H. B. No. 1059, A bill to be entitled "An Act to amend Section 40 of Senate Bill No. 36, Acts of the Forty-sixth Legislature, to provide the effective date for making grants of aid and assistance to the needy blind and for destitute dependent children; making an appropriation for providing and administering aid to the blind for the period from May 1, 1941 to August 31, 1941; making an appropriation for providing and administering aid and assistance for destitute dependent children for the period from May 1, 1941, to August 31, 1941; and declaring an emergency."

Referred to the Committee on Appropriations.

#### RECESS

Mr. Love moved that the House recess until 2:00 o'clock p. m. today.

Mr. Cato moved that the House recess until 2:30 o'clock p. m. today.

The motion of Mr. Cato prevailed and the House accordingly, at 11:50 o'clock p. m., took recess until 2:30 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

Mr. Blankenship for this afternoon, on account of illness, on motion of Mr. Duckett.

Mr. Love for this afternoon, on account of important business, on motion of Mr. Boone.

Mr. Roark for this afternoon, on account of important business, on motion of Mr. Knight.

Mr. Fitzgerald temporarily for this afternoon, on account of important business, on motion of Mr. Ridgeway.

#### COMMITTEE APPOINTED TO ESCORT SENATOR PEP- PER TO SPEAKER'S STAND

In accordance with the provisions of House Concurrent Resolution No.

151, Inviting Senator Claude Pepper to address a Joint Session of the Legislature on May 27, the Speaker announced the appointment of the following committee to escort Senator Pepper to the Speaker's stand:

Messrs: Morris, Taylor, Stanford, Carrington and Reed of Dallas.

#### MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

May 26, 1941.

To the Members of the Forty-seventh Legislature:

Our present system of auditing and budgeting for the State of Texas, in my opinion, is about the poorest system that could ever have been devised. No business organization could remain successful many months if it were operated under our present system. I have explained this system to the citizens of Texas, and they were astonished to find out the kind of system we have, and they are insistent that it be changed.

I recommended to the 46th Legislature that the system be changed, but my recommendation were not followed. I again recommended to this 47th Legislature that a business system be installed, and an attempt has been made to correct and improve our present system but unless some definite action is taken by this Legislature today or tomorrow, regarding a budget director and efficiency expert, I shall be forced to veto the Auditor's bill, Senate Bill No. 20, and our whole system will continue under the shipshod methods for another two years.

Under this present system the Governor appoints the members for the numerous large spending departments of this government and then the Governor appoints an Auditor to audit his own appointees. That is a ridiculous system. I do not believe any sane person in Texas would buy a store and hire the manager, and then let the manager appoint his own auditor to audit himself. The appropriations for all of these departments are made by the Legislature and the Legislature should by all means appoint the auditor to audit every department in this Texas State Government to make sure that the

money appropriated was spent in exact accordance with the appropriation. There is no connecting link between the different legislatures which meet every two years. One Legislature makes the appropriations for the ensuing two years, and the next Legislature pays no attention to whether or not the money appropriated by the previous Legislature was spent in accordance with the terms of the previous appropriations.

There should be an auditor appointed by the Legislature to continue on the job every day in the year and report to each succeeding Legislature when it convenes just what has happened with all the money appropriated by the previous Legislature.

The Governor is charged with the duty of making up the budget for two years in advance and presenting his budget recommendations to the Legislature when it convenes. Under our present system the work of getting up this budget for the Governor is done by the Board of Control, the members of which have been appointed by the previous Governor and in addition to this, it is most ridiculous to have the Board of Control make up the budget for all departments, including their own department, when their own department spends more money than any other State Department. In other words, the Board of Control makes up its own budget.

The Board of Control has no personnel nor facilities for properly making up a budget for an institution as large as the State of Texas, consequently, it is forced to resort to slipshod and unbusinesslike methods. The method employed simply means that the head of each department submits to the Board of Control a list of the appropriations they want and the Board of Control by "rule of thumb," changes these to suit their whims and fancies, and prints them in a budget book and submits the whole thing in this clumsy manner to the Legislature. Then the Finance committees of each branch of the Legislature holds hearings and without much authoritative information dickers with the members of the various departments and thus there is much opportunity for horse trading all along the line.

This State should have a budget director appointed by the Governor and confirmed by two-thirds of the Members of the Senate and this budget director should have a staff of competent and experienced auditors, and efficiency experts, to go into every department and analyze their conditions and needs, and, based on actual knowledge and facts and figures, be able to give the Governor reliable information on which the Governor could formulate a budget along business lines. If this system were established it is my opinion that it would develop into a department in which everybody concerned would have much confidence, and it would return good dividends to the taxpayers of this State in the way of efficiency and economy.

One of the most perplexing things regarding the non-passage, to date, of the budget director bill, is the fact that I have never yet been able to find one member in either branch of the Legislature, who is opposed to this bill. Yet, through some manner, the bill has never yet been passed. I am inclined to believe that there must be some members who do not understand the inefficiency of our present system, and the necessity for a more improved and modern system, and for that reason, I am addressing this message to you. In my opinion, it would make matters considerably worse than they are, to enact only one half of this needed legislation, but, tomorrow, Tuesday, May 27th, is the last day I can hold Senate Bill No. 20, without its becoming a law, and, unless the budget director's bill is enacted by that time, I shall be forced to veto Senate Bill No. 20. I do not want this message to be construed in any manner as a threat. On the other hand, I want it to be construed exactly as I mean it—an earnest effort to improve the auditing and budgeting system of this State of Texas for the benefit of the taxpayers and I sincerely trust that a strong effort will be made to get the budget director's bill enacted and delivered to me for signature today or tomorrow.

Respectfully submitted  
W. LEE O'DANIEL,  
Governor of Texas.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 26, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 1052.

The following have been appointed on the part of the Senate:

Messrs: Metcalfe, Lanning, Mauritz, Hazlewood and Formby.

Senate has adopted the Conference Committee Report on H. B. No. 1052 by the following vote: Yeas 28, nays 0 (Conference Committee report attached.)

#### Adopted

S. C. R. No. 66, Relating to a well considered plan for providing additional space, in keeping with the actual needs of State Departments.

S. C. R. No. 67, Granting permission to Judges J. D. Stephenson, O. B. McPherson, and A. R. Stout to be absent from the State of Texas; etc.

Adopted Conference Committee Report on H. B. No. 73, by following vote: yeas 26, nays 3. (Conference Committee report attached.)

Has passed notwithstanding the Governor's veto House Bill No. 518, A bill to be entitled "An Act authorizing the Commissioners Courts in all counties having a population of not less than One Hundred Thousand and not more than one hundred and Ninety Thousand inhabitants, according to the last preceding Federal Census, to determine the maximum annual salary to be paid an officer named in Section 13, of Chapter 465, of the Acts of the Second Called Session of the 44th Legislature, etc.; and declaring an emergency."

The Senate has granted the request of the House for a Conference Committee to adjust the differences

between the two Houses on House Bill No. 360.

The following have been appointed on the part of the Senate:

Messrs: Hazlewood, Winfield, Martin, Formby, and Metcalfe.

Respectfully,

BOB BARKER,  
Secretary of Senate.

**TO RECALL SENATE BILL NO. 20  
FROM THE GOVERNOR**

Mr. Alsup offered the following resolution:

H. C. R. No. 174, To recall Senate Bill No. 20 from the Governor.

Be it resolved by the House, The Senate concurring, That the Governor be requested to return S. B. No. 20 to the Legislature for further study.

The resolution was read second time.

Mr. Humphrey moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 64; nays, 64.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

**Yeas—61**

Allison	Files
Avant	Fitzgerald
Bell	Fuchs
Brawner	Garland
Bridgers	Halsey
Burnaman	Hanna
Carlton	Hardeman
Cato	Hargis
Cleveland	Harris of Dallas
Coker	Harris of Hill
Connelly	Henderson
Crosthwait	Hileman
Daniel	Howard
Dickson of Nolan	Huffman
Duckett	Hughes
Eubank	Humphrey

Hutchinson  
Isaacks  
Jones  
Klingeman  
Lansberry  
Leyendecker  
Little  
Lowry  
Lyle  
McAlister  
McLellan  
Manford  
Markle  
Mills  
Morris

Morse  
Rampy  
Ridgeway  
Rhodes  
Roberts  
Senterfitt  
Skiles  
Spangler  
Taylor  
Thornton  
Voigt  
Walters  
Wattner  
Weatherford

**Nays—64**

Alsup	King
Bailey	Knight
Baker	Lehman
Boone	Lock
Bray	Lucas
Brown	McCann
Bruhl	McGlasson
Bullock	McMurry
Burkett	McNamara
Carrington	Manning
Chambers	Martin
Craig	Matthews
Crossley	Montgomery
Davis	Murray
Deen	Pace
Dickson of Bexar	Parker
Donald	Pevehouse
Dove	Price
Ellis	Reed of Bowie
Favors	Reed of Dallas
Ferguson	Roark
Gilmer	Simpson
Goodman	Smith of Bastrop
Helpinstill	Smith of Atascosa
Hobbs	Spacek
Howington	Stanford
Hoyo	Stinson
Huddleston	Stubbs
Kelly	Vale
Kennedy	White
Kersey	Whitesides
Kinard	Winfree

**Absent**

Bean	Heflin
Bundy	Phillips
Celaya	Sallas
Colson, Mrs.	Sharpe
Evans	Shell
Gandy	Turner
Hartzog	

**Absent—Excused**

Allen	Anderson
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Benton	McDonald
Blankenship	Moore
Clark	Morgan
Dwyer	Nicholson
Love	

The Speaker announced that the motion to table the resolution by Mr. Alsup was lost.

Mr. Morris moved to refer the resolution to the Committee on State Affairs.

Mr. Alsup moved to table the motion to refer.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 64; nays, 64.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas—62

Alsup	Kersey
Bailey	Kinard
Baker	King
Bean	Knight
Boone	Lock
Brown	Lucas
Bruhl	McCann
Bullock	McGlasson
Burkett	McMurry
Chambers	McNamara
Craig	Manning
Crossley	Martin
Davis	Matthews
Deen	Murray
Dickson of Bexar	Pace
Donald	Parker
Dove	Pevehouse
Ellis	Price
Favors	Reed of Bowie
Ferguson	Reed of Dallas
Garland	Roark
Gilmer	Simpson
Goodman	Smith of Bastrop
Hargis	Smith of Atascosa
Hartzog	Spacek
Helpinstill	Stinson
Hobbs	Stubbs
Howington	Vale
Hoyo	White
Huddleston	Whitesides
Kennedy	Winfree

## Nays—63

Allison	Isaacks
Avant	Jones
Bell	Kelly
Brawner	Klingeman
Bray	Lansberry
Bridgers	Lehman
Bundy	Leyendecker
Burnaman	Little
Carlton	Lowry
Carrington	Lyle
Cato	McAlister
Cleveland	McLellan
Coker	Manford
Connelly	Markle
Crosthwait	Mills
Daniel	Montgomery
Dickson of Nolan	Morris
Duckett	Morse
Eubank	Rampy
Files	Ridgeway
Fitzgerald	Roberts
Fuchs	Sallas
Halsey	Senterfitt
Hanna	Skiles
Hardeman	Stanford
Harris of Dallas	Taylor
Heflin	Thornton
Henderson	Voigt
Hileman	Walters
Huffman	Wattner
Hughes	Weatherford
Humphrey	

## Absent

Celaya	Phillips
Colson, Mrs.	Rhodes
Evans	Sharpe
Gandy	Shell
Harris of Hill	Spangler
Howard	Turner
Hutchinson	

## Absent—Excused

Allen	Love
Anderson	McDonald
Benton	Moore
Blankenship	Morgan
Clark	Nicholson
Dwyer	

(Pending the verification of the vote Mr. Kersey occupied the Chair temporarily.)

(Speaker in the Chair.)

The Speaker announced that the motion to table the motion to refer was lost.

Question recurring on the motion

to refer the resolution to the Committee on State Affairs, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 66; nays, 60.

Mr. Bean requested a verification of the vote.

Mr. Morris moved to dispense with the verification.

The motion was lost.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—67

Allison	Isaacks
Avant	Jones
Bell	Kelly
Boone	Klingeman
Bray	Lansberry
Bridgers	Lehman
Bundy	Leyendecker
Carlton	Little
Carrington	Lowry
Cato	Lyle
Celaya	McAlister
Cleveland	McLellan
Coker	Manford
Connelly	Markie
Crosthwait	Mills
Daniel	Morris
Dickson of Nolan	Morse
Duckett	Phillips
Eubank	Rampy
Files	Ridgeway
Fitzgerald	Rhodes
Fuchs	Roberts
Halsey	Senterfitt
Hanna	Skiles
Hardeman	Spacek
Harris of Dallas	Spangler
Harris of Hill	Stanford
Heflin	Taylor
Henderson	Thornton
Hileman	Turner
Howard	Walters
Huffman	Wattner
Hughes	Weatherford
Humphrey	

Nays—60

Alsop	Bullock
Bailey	Burkett
Baker	Burnaman
Bean	Chambers
Brown	Craig
Bruhl	Crossley

Davis	McMurry
Deen	McNamara
Dove	Manning
Ellis	Martin
Evans	Matthews
Favors	Morgan
Ferguson	Murray
Garland	Pace
Goodman	Parker
Hargis	Pevehouse
Helpinstill	Price
Hobbs	Reed of Bowie
Howington	Reed of Dallas
Hoyo	Roark
Huddleston	Sallas
Kennedy	Simpson
Kersey	Smith of Bastrop
Kinard	Smith of Atascosa
King	Stinson
Knight	Stubbs
Lock	Vale
Lucas	White
McCann	Whitesides
McGlasson	Winfree

Absent

Brawner	Hartzog
Colson, Mrs.	Hutchinson
Dickson of Bexar	Montgomery
Donald	Sharpe
Gandy	Shell
Gilmer	Voigt

Absent—Excused

Allen	Dwyer
Anderson	Love
Benton	McDonald
Blankenship	Moore
Clark	Nicholson

(Mr. Little in the Chair.)

The Chair announced that the motion to refer the resolution to the Committee on State Affairs prevailed.

Mr. Morris moved to reconsider the vote by which the resolution was referred to the Committee on State Affairs and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO INTRODUCE  
CERTAIN BILL

Mr. Eubank moved to introduce, at this time, the following bill:

By Mr. Halsey and Mr. Eubank:

H. B. No. —, A bill to be entitled

"An Act declaring the recent floods of the Brazos, Tongue and Pease Rivers in Motley, Cottle, Childress, Hall, Borden, Dickens, Scurry, Kent, Stonewall, Garza, Hockley, Lubbock, Cochran, Crosby, Lynn, Terry, Gaines, Dawson, Yoakum, Lamb, Floyd, Briscoe, Hale, Swisher, Castro, Bailey and Parmer Counties to be a Public Calamity, authorizing a donation and grant to said Counties Flood Control Districts of one-half of the State ad valorem taxes collected in said counties for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the Assessor and Collector of Texas; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matters relating to said donation; providing that if any provisions of this Act shall be held invalid, the other provisions shall not be affected, and declaring an emergency."

Mr. Harris of Dallas, raised a point of order on the ground that the routine motion period has expired.

The Chair sustained the point of order.

Mr. Eubank moved to suspend the Rules for the purpose of making a motion to introduce the above bill.

The motion to suspend the Rules was lost.

#### HOUSE BILL NO. 1011 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House as unfinished business, House Bill No. 1011, providing for certain appropriation for the "Firemen's Relief and Retirement Fund; etc," on its passage to engrossment.

The bill having been read second time on this morning.

Mr. Alsup raised a point of order on further consideration of H. B. No. 1011 at this time, on the ground that the bill attempts to appropriate monies from the general fund to private individuals in violation of the Constitution.

The Chair overruled the point of order.

Mr. Favors moved to postpone further consideration of House Bill No. 1011 until 11:00 o'clock a. m. next Monday.

Question recurring on the motion to postpone, yeas and nays were demanded.

The motion to postpone was lost by the following vote:

#### Yeas—24

Alsup	Hileman
Bailey	Howington
Brawner	Kersey
Bray	King
Burkett	Knight
Burnaman	Lansberry
Carrington	Manford
Chambers	Parker
Coker	Senterfitt
Craig	Smith of Atascosa
Crossley	Thornton
Favors	Wattner

#### Nays—98

Avant	Harris of Hill
Bean	Hartzog
Bell	Heflin
Boone	Hobbs
Bridgers	Howard
Brown	Hoyo
Bruhl	Huddleston
Bullock	Huffman
Bundy	Hughes
Carlton	Hutchinson
Celaya	Kennedy
Cleveland	Kinard
Colson, Mrs.	Klingeman
Connelly	Lehman
Crosthwait	Leyendecker
Daniel	Lock
Davis	Lowry
Deen	Lucas
Dickson of Nolan	Lyle
Donald	McAlister
Dove	McCann
Duckett	McGlasson
Ellis	McLellan
Eubank	McMurry
Evans	McNamara
Ferguson	Manning
Files	Markle
Fuchs	Martin
Gandy	Matthews
Garland	Mills
Goodman	Montgomery
Halsey	Morgan
Hanna	Morris
Hardeman	Morse
Hargis	Murray
Harris of Dallas	Pace

Pevehouse	Spacek
Phillips	Spangler
Price	Stanford
Rampy	Stinson
Reed of Bowie	Stubbs
Reed of Dallas	Taylor
Ridgeway	Turner
Rhodes	Vale
Roberts	Walters
Sallas	Weatherford
Simpson	White
Skiles	Whitesides
Smith of Bastrop	Winfree

Present—Not Voting

Henderson

Absent

Allison	Isaacks
Baker	Jones
Cato	Kelly
Dickson of Bexar	Little
Gilmer	Sharpe
Helpinstill	Shell
Humphrey	Voigt

Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	McDonald
Blankenship	Moore
Clark	Nicholson
Dwyer	Roark

PAIRED

Mr. Henderson (present) who would vote "nay", with Mr. Roark (absent), who would vote "yea."

Mr. Harris of Dallas, moved the previous question on the engrossment of House Bill No. 1011, and the main question was ordered.

House Bill No. 1011 was then passed to engrossment.

Mr. Montgomery moved to reconsider the vote by which the bill was engrossed and to table the motion to reconsider.

The motion to table prevailed.

#### MOTIONS TO PLACE HOUSE BILL NO. 1011 ON THIRD READING

Mr. Montgomery moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 1011 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—94

Avant	Klingeman
Baker	Lehman
Bean	Leyendecker
Bell	Lock
Boone	Lowry
Bridgers	Lucas
Brown	Lyle
Bruhl	McAlister
Bullock	McCann
Bundy	McGlasson
Carlton	McLellan
Celaya	McMurry
Cleveland	McNamara
Connelly	Manning
Crosthwait	Markle
Daniel	Martin
Davis	Matthews
Deen	Mills
Dickson of Nolan	Montgomery
Donald	Morgan
Dove	Morris
Duckett	Morse
Ellis	Murray
Eubank	Pace
Evans	Pevehouse
Ferguson	Phillips
Files	Price
Fuchs	Rampy
Gandy	Reed of Bowie
Goodman	Reed of Dallas
Halsey	Ridgeway
Hanna	Rhodes
Hardeman	Roberts
Hargis	Sallas
Harris of Dallas	Simpson
Harris of Hill	Smith of Bastrop
Hartzog	Spacek
Heflin	Spangler
Helpinstill	Stanford
Hobbs	Stinson
Hoyo	Thornton
Huddleston	Vale
Huffman	Walters
Hughes	Weatherford
Hutchinson	White
Kennedy	Whitesides
Kinard	Winfree

Nays—28

Allison	Crossley
Bailey	Favors
Brawner	Garland
Bray	Hileman
Burkett	Howington
Burnaman	Humphrey
Carrington	Kersey
Cato	King
Chambers	Knight
Coker	Lansberry
Colson, Mrs.	Manford
Craig	Parker



Senterfitt Taylor  
Smith of Atascosa Wattner

Present—Not Voting

Henderson

Absent

Alsup Little  
Dickson of Bexar Sharpe  
Fitzgerald Shell  
Gilmer Skiles  
Howard Stubbs  
Isaacks Turner  
Jones Voigt  
Kelly

Absent—Excused

Allen Love  
Anderson McDonald  
Benton Moore  
Blankenship Nicholson  
Clark Roark  
Dwyer

PAIRED

Mr. Henderson (present), who would vote "nay," with Mr. Roark (absent) who would vote "yea."

Mr. Montgomery moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 1011 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—98

Alsup Evans  
Avant Ferguson  
Baker Files  
Bean Fuchs  
Bell Gandy  
Boone Garland  
Bray Goodman  
Brown Halsey  
Bruhl Hanna  
Bullock Hardeman  
Bundy Hargis  
Carlton Harris of Dallas  
Celaya Harris of Hill  
Cleveland Hartzog  
Colson, Mrs. Heflin  
Connelly Helpinstill  
Crosthwait Hobbs  
Daniel Hoyo  
Davis Huddleston  
Dickson of Nolan Huffman  
Donald Hughes  
Dove Hutchinson  
Duckett Isaacks  
Eubank Kennedy

Kinard Pevehouse  
Klingeman Phillips  
Lehman Price  
Leyendecker Rumpy  
Little Reed of Bowie  
Lock Reed of Dallas  
Lowry Ridgeway  
Lucas Rhodes  
Lyle Roberts  
McAlister Sallas  
McGlasson Simpson  
McLellan Skiles  
McMurry Smtih of Bastrop  
McNamara Spacek  
Manning Spangler  
Markle Stanford  
Martin Stinson  
Matthews Stubbs  
Mills Thornton  
Montgomery Vale  
Morgan Walters  
Morris Weatherford  
Morse White  
Murray Whitesides  
Pace Winfree

Nays—28

Allison Howington  
Bailey Humphrey  
Burkett Kelly  
Burnaman Kersey  
Carrington King  
Cato Knight  
Chambers Lansberry  
Coker Manford  
Craig Parker  
Crossley Senterfitt  
Deen Smith of Atascosa  
Favors Taylor  
Gilmer Voigt  
Hileman Wattner

Present—Not Voting

Henderson

Absent

Brawner Jones  
Bridgers McCann  
Dickson of Bexar Sharpe  
Ellis Shell  
Howard Turner

Absent—Excused

Allen Fitzgerald  
Anderson Love  
Benton McDonald  
Blankenship Moore  
Clark Nicholson  
Dwyer Roark

PAIRED

Mr. Henderson (present) who would vote "nay," with Mr. Roark (absent) who would vote "yea."

## REASON FOR VOTE

I voted against House Bill No. 1011 because the bill required appropriation from the State General Fund. I am opposed to appropriation from the General Fund for any Social Security program, unless same is authorized by a majority vote of the people.

**BURKETT.**

(Speaker in the Chair.)

**MOTION TO PLACE HOUSE BILL  
NO. 628 ON SECOND  
READING**

Mr. Kersey (on Mr. Harris of Dallas' suspension), moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 628, A bill to be entitled "An Act to repeal House Bill No. 18, Chapter 400 of the General Laws of the 44th Legislature, First Called Session, and further described as Article 1111d, Sections 1 to 11 inclusive, of the Penal Code providing for store licenses; and declaring an emergency."

The motion was lost by the following vote:

**Yeas—43**

Alsup	Hefin
Bean	Hobbs
Bell	Hutchinson
Bray	Kersey
Brown	Kinard
Bruhl	Leyendecker
Bullock	McCann
Bundy	Manning
Burkett	Montgomery
Celaya	Morgan
Crossley	Morse
Crosthwait	Pace
Daniel	Reed of Dallas
Dickson of Nolan	Rhodes
Dove	Skiles
Eubank	Stanford
Evans	Stinson
Goodman	Taylor
Halsey	Turner
Hanna	Vale
Hardeman	Weatherford
Harris of Dallas	

**Nays—77**

Allison	Baker
Avant	Brawner
Bailey	Bridgers

Carlton	Lock
Carrington	Lucas
Cato	McGlasson
Chambers	McLellan
Coker	McMurry
Colson, Mrs.	McNamara
Connelly	Manford
Craig	Markle
Davis	Martin
Donald	Matthews
Files	Morris
Duckett	Murray
Dwyer	Parker
Fuchs	Pevehouse
Gandy	Phillips
Garland	Price
Gilmer	Rampy
Hargis	Reed of Bowie
Harris of Hill	Ridgeway
Helpinstill	Roberts
Henderson	Sallas
Hileman	Senterfitt
Howington	Simpson
Hoyo	Smith of Bastrop
Huddleston	Smith of Atascosa
Hughes	Spacek
Isaacks	Spangler
Jones	Stubbs
Kelly	Thornton
Kennedy	Voigt
King	Walters
Klingeman	Wattner
Knight	White
Lansberry	Whitesides
Lehman	Winfree
Little	

**Present—Not Voting**

Boone	Lyle
Ferguson	

**Absent**

Burnaman	Huffman
Cleveland	Humphrey
Deen	Lowry
Dickson of Bexar	McAlister
Ellis	Mills
Favors	Sharpe
Hartzog	Shell
Howard	

**Absent—Excused**

Anderson	Love
Allen	McDonald
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Fitzgerald	

**PAIRED**

Mr. Ferguson (present), who would vote "nay," with Mr. Roark (absent), who would vote "yea."

Mr. Boone (present), who would vote "yea," with Mr. Nicholson (absent), who would vote "nay."

Mr. Lyle (present), who would vote "nay," with Mr. Anderson (absent), who would vote "yea."

#### HOUSE BILL NO. 55 ON PASSAGE TO ENGROSSMENT

On motion of Mr. Bridgers, the regular order of business was suspended to take up on its passage to engrossment, H. B. No. 55.

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 55, A bill to be entitled "An Act to amend Article 2847 of the Revised Statutes relating to the filing of bids for the furnishing of textbooks to the State by adding to said Article a provision requiring that all textbooks to be used in the public schools of Texas shall be printed in the State of Texas from and after the year 1943."

The bill having heretofore been read second time.

(Mr. Morse in the Chair.)

Mr. Bridgers offered the following committee amendment to the bill:

Amend House Bill No. 55 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 2847 of the Revised Civil Statutes, Acts of 1927, Fortieth Legislature, page 308, Chapter 43, Section 5, be amended so that the same shall hereafter read as follows:

From and after the first day of January 1942, no contracts shall be awarded for textbooks to be used in the public schools of this State unless it is provided in said contract that such textbooks shall be printed and bound and/or rebound in the State of Texas, and such bidder for the furnishing of such textbooks shall file with the Textbook Commission a good and sufficient bond in such sum and conditioned as may be required by the Textbook Commission for the printing of such textbooks in this State except, however,

contracts for foreign language books and/or books of which less than 10,000 copies will be used in any one year, and it appears to the State Board of Education or the Textbook Commission that it would be advantageous to the State of Texas not to require that such books be wholly or partly manufactured in Texas. Said Board or Commission may use its discretion in determining whether said books in lots of less than 10,000 be wholly or partly manufactured in Texas or elsewhere; and provided that textbooks and manuals not yet in print may be submitted in manuscript form to the State Board of Education for its consideration, provided that such bidder offering such textbook or manual furnish the State Board of Education not less than 9 copies of such manuscript for the convenient study of the members of said Board or of its Textbook Commission. Such manuscript shall have stamped thereon the price of said book in bound form as now provided in the case of bound volumes.

Provided that textbooks printed in Texas shall not exceed in cost the cost of textbooks of like kind printed in other states.

Sec. 2. All bids submitted to the Textbook Commission for the furnishing of textbooks shall be deposited with the Chairman of the Commission, to be delivered by him to the Commission in session for the purpose of considering the same. Such bid shall state the price at which the books will be furnished to the State of Texas, f.o.b. the bidder's Texas depository, which price must be in accord with that printed or stamped in the sample copies of the books previously deposited, and shall also state the terms and conditions upon which said books shall be furnished, which terms and conditions shall not be in conflict with the other provisions of this Chapter.

Each bidder shall file with the Secretary of the Commission on the day that the Commission meets an affidavit executed by the individual bidder, or a member of the firm or the president and secretary of the corporation bidding, which shall state that all the taxes levied against the bidder under and by virtue of Chapter 148, Acts of the Twenty-

ninth Legislature, and all other acts amendatory thereof, have been paid and shall be accompanied by official certificates in support of such statement, where such certificate can be secured; such affidavit shall also state the name or names of all the people employed to act for such bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of its bids, and supporting documents, with the addresses of such individuals and the capacity in which they serve; and said affidavit shall further state the names of any and all other persons who may have at any time during the preceding year received, either directly or indirectly any money or other thing of value from said company, by way of emolument for services rendered in this State, either directly or indirectly, in securing or attempting to secure, contracts for the sale of books of said publisher, or in promoting the sale of such books to the State of Texas; and that no member of the Commission is in any way interested, directly or indirectly, in such individual, firm or corporation bidding; and in the event any publisher, after filing said affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the Commission, he shall disclose such employment to the Commission by filing a supplementary affidavit before any contract in which he is interested shall be awarded.

No publisher who cannot and does not comply with these provisions shall be eligible to bid.

No bid shall be considered from, and no contracts shall be made with any publisher not eligible to bid under the provisions of this law, and any contracts made with an ineligible bidder shall be void. The statements made in all affidavits filed by the publishers with the bid shall be considered warranties, and if found to be untrue, shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it be shown that such misstatement or non-disclosure of fact was unintentional or an oversight on the part of said publisher.

Sec. 3. In the event any clause, sentence, paragraph, section or other part of this Act be held unconstitu-

tional or void, it is hereby declared to be the legislative intent and so enacted that all other parts of this Act shall notwithstanding such holding have full force and effect according to the purport and intent thereof.

Sec. 4. Because of the crowded condition of the calendar and the fact that contracts for textbooks may be let during the time set by law, and because of the importance of enacting legislation which will bring about the printing of Texas schoolbooks in Texas, there exists an imperative demand and public necessity that the Constitutional Rule that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall become effective from and after its passage.

Mr. Bullock moved to postpone further consideration of House Bill No. 55 until 10:00 o'clock a. m., June 3.

On motion of Mr. Bean, the motion to postpone was tabled.

Mr. Hughes moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion to adjourn was lost.

Mr. Taylor offered the following amendment to the Committee amendment:

That Section 1 of amendment to House Bill No. 55 be amended after the words "bound volumes" by adding the following paragraph:

"Provided this Act gives to the aforesaid board the exclusive right of discretion, and if it appears to said board that the restriction of purchase herein provided adds to the cost of books to be supplied that the aforesaid board may exempt publishers from the provisions of this Act."

The amendment was adopted.

Mr. Bean moved the previous question on the pending amendment and the engrossment of House Bill No. 55, and the main question was ordered.

Question recurring on the Committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 55 was then passed to engrossment.

#### MOTIONS TO PLACE HOUSE BILL NO. 55 ON THIRD READING

Mr. Bridgers moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 55 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—95

Allison	Hefin
Alsup	Henderson
Avant	Hobbs
Bailey	Howington
Baker	Hoyo
Bean	Huddleston
Boone	Huffman
Brawner	Humphrey
Bridgers	Hutchinson
Brown	Isaacks
Bruhl	Kennedy
Bundy	Kinard
Burkett	King
Burnaman	Knight
Carrington	Lehman
Cato	Leyendecker
Celaya	Little
Chambers	Lowry
Colson, Mrs.	Lucas
Connelly	Lyle
Crossley	McGlasson
Daniel	McLellan
Davis	McMurry
Deen	McNamara
Dickson of Nolan	Manford
Donald	Manning
Dove	Martin
Duckett	Matthews
Eubank	Mills
Evans	Montgomery
Favors	Morgan
Ferguson	Murray
Fuchs	Pace
Garland	Parker
Gilmer	Pevehouse
Goodman	Phillips
Halsey	Price
Hardeman	Rampy
Hargis	Reed of Bowle
Hartzog	Ridgeway

Rhodes	Stubbs
Roberts	Turner
Senterfitt	Vale
Simpson	Walters
Smith of Bastrop	Weatherford
Smith of Atascosa	White
Spacek	Winfree
Spangler	

#### Nays—26

Bray	Lock
Bullock	McAlister
Carlton	Markle
Coker	Morris
Craig	Reed of Dallas
Crosthwait	Sallas
Harris of Dallas	Skiles
Harris of Hill	Stanford
Helpinstill	Stinson
Hileman	Taylor
Hughes	Thornton
Klingeman	Wattner
Lansberry	Whitesides

#### Present—Not Voting

Howard

#### Absent

Bell	Jones
Cleveland	Kelly
Dickson of Bexar	Kersey
Ellis	McCann
Files	Sharpe
Gandy	Shell
Hanna	Voigt

#### Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	McDonald
Blankenship	Moore
Clark	Nicholson
Dwyer	Roark

Mr. Isaacks moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 55 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—88

Alsup	Bean
Avant	Bell
Bailey	Boone
Baker	Bridgers

Brown	Kinard
Bruhl	King
Bundy	Knight
Burkett	Lehman
Burnaman	Leyendecker
Carrington	Lucas
Celaya	Lyle
Colson, Mrs.	McGlasson
Connelly	McLellan
Crossley	McMurry
Daniel	McNamara
Davis	Manford
Deen	Manning
Dickson of Nolan	Martin
Donald	Matthews
Dove	Montgomery
Duckett	Morgan
Eubank	Murray
Evans	Pace
Favors	Parker
Ferguson	Pevehouse
Garland	Phillips
Gilmer	Price
Goodman	Rampy
Halsey	Reed of Bowie
Hardeman	Ridgeway
Hargis	Rhodes
Hartzog	Roberts
Heflin	Senterfitt
Henderson	Simpson
Hobbs	Smith of Bastrop
Howington	Smith of Atascosa
Hoyo	Spacek
Huddleston	Spangler
Huffman	Stubbs
Humphrey	Turner
Hutchinson	Vale
Isaacks	Walters
Kelly	White
Kennedy	Winfree

## Nays—29

Bray	Lowry
Bullock	McAlister
Carlton	Markle
Cato	Mills
Coker	Morris
Craig	Reed of Dallas
Crosthwait	Sallas
Harris of Dallas	Skiles
Harris of Hill	Stinson
Helpinstill	Taylor
Hileman	Thornton
Hughes	Wattner
Klingeman	Weatherford
Lansberry	Whitesides
Lock	

## Absent

Allison	Cleveland
Brawner	Dickson of Bexar
Chambers	Ellis

Files	Little
Fuchs	McCann
Gandy	Sharpe
Hanna	Shell
Howard	Stanford
Jones	Voigt
Kersey	

## Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	McDonald
Blankenship	Moore
Clark	Nicholson
Dwyer	Roark

MOTION TO PLACE HOUSE BILL  
NO. 1011 ON THIRD  
READING

Mr. McAlister moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 1011 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—92

Alsup	Hargis
Avant	Harris of Dallas
Baker	Harris of Hill
Bean	Hartzog
Bell	Heflin
Boone	Helpinstill
Bray	Hobbs
Brown	Hoyo
Bruhl	Huddleston
Bullock	Huffman
Bundy	Hughes
Carlton	Hutchinson
Celaya	Kennedy
Cleveland	Kinard
Colson, Mrs.	Klingeman
Connelly	Knight
Crosthwait	Lehman
Daniel	Leyendecker
Davis	Little
Dickson of Nolan	Lock
Donald	Lowry
Dove	Lucas
Duckett	Lyle
Eubank	McAlister
Ferguson	McGlasson
Files	McMurry
Fuchs	McNamara
Gilmer	Manning
Goodman	Markle
Halsey	Martin
Hardeman	Matthews

Montgomery	Skiles
Morgan	Smith of Bastrop
Morris	Spacek
Pace	Spangler
Phillips	Stanford
Price	Stinson
Rampy	Stubbs
Reed of Bowie	Taylor
Reed of Dallas	Turner
Ridgeway	Vale
Rhodes	Walters
Roberts	Weatherford
Sallas	White
Shell	Whitesides
Simpson	Winfree

**Nays—25**

Allison	Howington
Bailey	Humphrey
Burkett	King
Carrington	Lansberry
Cato	Manford
Chambers	Mills
Coker	Murray
Craig	Parker
Crossley	Senterfitt
Deen	Smith of Atascosa
Evans	Thornton
Favors	Wattner
Hileman	

**Present—Not Voting**

Garland	Henderson
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**Absent**

Brawner	Jones
Bridgers	Kelly
Burnaman	Kersey
Dickson of Bexar	McCann
Ellis	McLellan
Gandy	Pevehouse
Hanna	Sharpe
Howard	Voigt
Isaacks	

**Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	McDonald
Blankenship	Moore
Clark	Nicholson
Dwyer	Roark

**PAIRED**

Mr. Henderson (present), who would vote "nay," with Mr. Roark (absent), who would vote "yea."

### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1052

Mr. Chambers submitted the following Conference Committee report on House Bill No. 1052:

Austin, Texas, May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate,

Hon. Homer Leonard, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 1052, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said House Bill No. 1052 be adopted in the form hereto attached.

Respectfully submitted,

METCALFE,  
HAZLEWOOD,  
MAURITZ,  
FORMBY,  
LANNING,

On the part of the Senate.

CHAMBERS,  
DEEN,  
HOWINGTON,  
MURRAY,  
BURKETT.

On the part of the House.

Committee Substitute for House Bill No. 1052,

**A BILL****To Be Entitled**

An Act applicable to water improvement districts deriving their powers from Article XVI, Section 59, Constitution of Texas, in which there may be located a United States military camp or base; defining the word "District"; authorizing such districts to issue negotiable revenue bonds in an amount not to exceed \$100,000 par value without the necessity of an election to provide funds for constructing or otherwise acquiring filtration and pumping equipment, pipe lines, and all other facilities for supplying water to military

camps or bases; and authorizing such districts so desiring to issue any bonds for the purposes enumerated in this Act in an amount in excess of \$100,000 only after submitting such proposition to an election under the provisions of the general law governing same; providing that such bonds shall bear not more than four (4%) per cent interest and providing that the date of maturity shall not exceed five years from the date of their issuance; prescribing the method of securing such revenue bonds; requiring approval of such revenue bonds by the Attorney General, and prescribing the effect thereof; providing that the authority herein conferred shall be cumulative of that conferred by other laws and that in the event of conflict between this and other laws, the provisions of this law shall prevail; providing that any contract made under authority of this Act shall be made only after advertising for bids for such time as the board of directors of such district may determine; and providing that in any event advertisement for bids shall be made in a newspaper of general circulation in such district one time not less than ten (10) days before awarding or making such contract; providing that the holder of any bonds issued under authority of this Act shall never have the right to have same paid, in whole or in part, out of funds derived from taxation on any of the properties within any such district; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. This Act shall be applicable to water improvement districts deriving their powers from Article XIV, Section 59, of the Constitution of Texas, in which there may be located in whole or in part, any United States military camp or base. The word "District" as hereinafter used means any district to which this Act is applicable.

Sec. 2. All such districts are hereby authorized to issue negotiable revenue bonds in an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars par value,

without the necessity of an election, for the purpose of providing funds for constructing or otherwise acquiring filtration and pumping equipment, pipe lines, and all other facilities for supplying water to military camps or bases. It is further provided, however, that in the event such districts may desire to issue any bonds for the purposes enumerated herein, in an amount in excess of One Hundred Thousand (\$100,000.00) Dollars par value, they shall be authorized to do so only after submitting such proposition to an election under the provisions of the general law governing same, and having such proposition approved at such election.

Sec. 3. Such bonds shall bear not more than four (4%) per cent interest, and shall mature in not to exceed five (5) years from the date of issuance.

Sec. 4. Said revenue bonds may be secured by all or any part of the net revenues to be received from a contract entered into or to be entered into between the districts and the United States Government for sale of water to the United States Government for use at military camps or bases, and all renewals, extensions and substitutions thereof. Said bonds may be secured additionally by a deed of trust lien upon the equipment and other facilities and properties to be constructed or otherwise acquired with funds derived from the sale of the bonds.

Sec. 5. After such bonds shall have been authorized and executed, and before issuance thereof, said bonds, the resolution of the board of directors of the district directing their issuance, and other certificates and records pertaining to their issuance, shall be submitted to the Attorney General of Texas for his examination.

If such bonds have been issued in accordance with this Act and the Constitution, the Attorney General shall issue his opinion approving them, and they shall be registered in the office of the Comptroller of Public Accounts. Such bonds, having been approved by the Attorney General and registered in the Comptroller's office, shall be held in every action, suit or proceeding in which their validity is or may be brought



into question, valid and binding obligations. In every action brought to enforce collection of such bonds or any rights incident thereto, the certificate of approval by the Attorney General, or a duly certified copy of said certificate, shall be admitted and received in evidence of its validity. The only defense which can be offered against the validity of such bonds shall be forgery or fraud.

Sec. 6. The authority herein conferred shall be cumulative of that conferred by other laws. In event of conflict between this law and other laws, the provisions of this law shall prevail.

Sec. 7. Any contract for the construction or otherwise acquiring of filtration and pumping equipment, pipe lines or other facilities which supply water to military camps or bases made under authority of this Act, may be made only after advertising for bids for such time as the board of directors of any such district may determine; provided that in any case such advertisement for bids shall be published in some newspaper of general circulation in such district for at least one time not less than ten (10) days before awarding and making any such contract.

Sec. 8. The holder of any bonds issued under authority of this Act shall never have the right to have same paid, in whole or in part, out of funds derived from taxation on any of the properties within any such district.

Sec. 9. The fact that the United States Government is establishing military camps and bases at various places in the State of Texas, and is demanding filtered or treated water for use therein, and the fact that it is necessary to provide facilities speedily for supplying filtered or treated water to such camps and bases, and that water improvement districts are in immediate need of the authority conferred by this law to enable them to make provision to supply water to such military camps and bases, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be, and such rule is hereby suspended, and this Act shall take effect immediately from the date of its passage, and it is so enacted.

On motion of Mr. Chambers the report was adopted by the following vote:

Yeas—120

Allison	Hutchinson
Alsup	Isaacks
Avant	Kelly
Bailey	Kennedy
Baker	Kinard
Bean	King
Bell	Klingeman
Boone	Knight
Bray	Lansberry
Bridgers	Lehman
Brown	Leyendecker
Bruhl	Little
Bullock	Lock
Bundy	Lowry
Burkett	Lucas
Carlton	Lyle
Carrington	McAlister
Cato	McDonald
Celaya	McGlasson
Chambers	McLellan
Coker	McMurry
Colson, Mrs.	McNamara
Connelly	Manning
Craig	Markle
Crossley	Martin
Crosthwait	Matthews
Daniel	Mills
Davis	Montgomery
Deen	Morgan
Dickson of Nolan	Morris
Donald	Morse
Dove	Murray
Duckett	Pace
Eubank	Parker
Evans	Pevehouse
Favors	Phillips
Ferguson	Price
Fuchs	Rampy
Garland	Reed of Bowie
Gilmer	Reed of Dallas
Goodman	Ridgeway
Halsey	Rhodes
Hardeman	Roberts
Hargis	Sallas
Harris of Dallas	Senterfitt
Harris of Hill	Simpson
Heflin	Skiles
Helpinstill	Smith of Bastrop
Henderson	Smith of Atascosa
Hileman	Spacek
Hobbs	Spangler
Howard	Stinson
Howington	Stubbs
Hoyo	Taylor
Huddleston	Thornton
Huffman	Turner
Hughes	Vale

Walters	White
Wattner	Whitesides
Weatherford	Winfree

**Absent**

Brawner	Humphrey
Burnaman	Jones
Cleveland	Kersey
Dickson of Bexar	McCann
Ellis	Manford
Files	Sharpe
Gandy	Shell
Hanna	Stanford
Hartzog	Voigt

**Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	

**ADOPTION OF CONFERENCE  
COMMITTEE REPORT ON  
H. B. NO. 73**

Mr. Isaacks submitted the following Conference Committee Report on House Bill No. 73:

Austin, Texas, May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer L. Leonard, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 73, have met and beg leave to recommend that said House Bill No. 73 be passed in the form hereto attached.

Respectfully submitted,  
ISAACKS,  
COKER,  
LYLE,  
BELL,  
BRUHL.

On the part of the House.

MOORE,  
HAZLEWOOD,  
WEINERT,  
SHIVERS.

On the part of the Senate.

H. B. No. 73,

A BILL

To Be Entitled

An Act amending Article 802 of the

Penal Code of Texas, as amended by Acts of the Second Called Session of the Legislature in 1923, as amended by Acts of 1935, 44th Legislature, First Called Session, Chapter 424, as amended by the Acts of 1937, 45th Legislature, Chapter 60, providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a misdemeanor, reducing the maximum penalty provided in said Article from a penitentiary offense to a fine or jail sentence, and increasing the minimum penalty thereof; and further amending the Penal Code of Texas by adding two new sections to be known as Articles 802-A and 802-B making the driving and operating of an automobile or other motor vehicle upon the public highways in this State, after a previous conviction of driving an automobile or other motor vehicle while intoxicated upon the public highways in this State, a felony, and prescribing a penalty for violation thereof, and by providing that if any person who shall drive or operate an automobile or other motor vehicle upon the public highways in this State while intoxicated, and while so driving and operating said automobile or other motor vehicle shall through accident or mistake do another act, which if voluntarily done would be a felony, shall receive punishment affixed to the felony actually committed; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Article 802 of the Penal Code of the State of Texas, as amended by Acts of the Legislature, Second Called Session in 1923, and as amended by Acts of 1935, 44th Legislature, First Called Session, Chapter 424, page 1654, and as amended by Acts of 1937, 45th Legislature, Chapter 60, page 108, shall be and is amended so that hereafter same shall read as follows:

"Article 802. Any person who drives or operates an automobile or any other motor vehicle upon any public road or highway in this State, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a misdemeanor, and upon conviction, shall be punished by confinement in the County Jail for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment."

Sec. 2. The Penal Code of Texas of 1925 is amended hereby by adding a new section to be known as Article 802-A and reading as follows:

"Article 802-A. Any person who has been convicted of the misdemeanor offense of driving or operating an automobile or other motor vehicle upon any public road or highway in this State or upon any street or alley within an incorporated city, town or village, while intoxicated or under the influence of intoxicating liquor, and who shall thereafter drive or operate an automobile or other motor vehicle upon any public road or highway in this State or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a felony and upon conviction be punished by confinement in the penitentiary for any term of years not less than one nor more than five."

Sec. 3. The Penal Code of Texas of 1925 is amended hereby by adding a new section to be known as Article 802-B and reading as follows:

"Article 802-B. Any person who drives or operates an automobile or any other motor vehicle upon any public road or highway in this State, or upon any street or alley or any other place within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, and while so driving and operating such automobile or other motor vehicle shall through accident or

mistake do another act which if voluntarily done would be a felony, shall receive the punishment affixed to the felony actually committed."

Section 4. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Isaacks, the report was adopted by the following vote:

Yeas—116

Allison	Hartzog
Alsup	Heflin
Avant	Helpinstill
Bailey	Henderson
Baker	Hileman
Bean	Hobbs
Bell	Howington
Boone	Hoyo
Bridgers	Huddleston
Brown	Huffman
Bruhl	Hughes
Bullock	Humphrey
Bundy	Hutchinson
Burkett	Isaacks
Carlton	Kelly
Carrington	Kennedy
Cato	Kinard
Chambers	King
Coker	Knight
Colson, Mrs.	Lehman
Connelly	Leyendecker
Craig	Little
Crossley	Lock
Crosthwait	Lowry
Deen	Lucas
Dickson of Nolan	Lyle
Donald	McAlister
Dove	McDonald
Duckett	McGlasson
Eubank	McMurry
Evans	McNamara
Favors	Manford
Ferguson	Manning
Files	Markle
Fuchs	Martin
Garland	Matthews
Gilmer	Mills
Goodman	Montgomery
Halsey	Morgan
Hardeman	Morris
Hargis	Morse
Harris of Dallas	Murray
Harris of Hill	Pace

Parker	Smith of Atascosa
Pevehouse	Spacek
Phillips	Spangler
Price	Stinson
Rampy	Stubbs
Reed of Bowie	Taylor
Reed of Dallas	Thornton
Ridgeway	Turner
Rhodes	Vale
Roberts	Walters
Sallas	Wattner
Senterfitt	Weatherford
Simpson	White
Skiles	Whitesides
Smith of Bastrop	Winfree

**Nays—5**

Bray	Lansberry
Daniel	McLellan
Davis	

**Absent**

Brawner	Jones
Burnaman	Kersey
Celaya	Klingeman
Cleveland	McCann
Dickson of Bexar	Sharpe
Ellis	Shell
Gandy	Stanford
Hanna	Voigt
Howard	

**Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	

**ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 470**

Mr. Morris submitted the following Conference Committee report on Senate Bill No 470:

Austin, Texas, May 19, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer L. Leonard, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on Senate Bill No. 470, have met and beg leave to recommend that said

Senate Bill No. 470 be passed in the form hereto attached.

Respectfully submitted,

MOORE,  
SHIVERS,  
VAN ZANDT,  
WEINERT,

On the part of the Senate.

MORRIS,  
BELL,  
BROWN,  
CATO,  
SKILES.

On the part of the House.

S. B. No. 470,

**A BILL****To Be Entitled**

An Act amending Article X of House Bill No. 8, Acts, Regular Session, 47th Legislature, so as to define the terms "new," "cosmetics," and "playing cards"; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Article X of House Bill No. 8, Acts, Regular Session, 47th Legislature, is amended hereby by adding thereto a new section to be known as Section 1a and reading as follows, to wit:

"Section 1a. 1. The term 'new' as used in this Article in connection with the terms 'radios' and 'cosmetics' shall mean those cosmetics or radios not theretofore sold at retail to the consumer.

"2. The term 'cosmetics' as used in this Article means: rouge (liquid, semi-solid or solid), lipstick (liquid, semi-solid or solid), face powder, face creams (including cleansing, foundation, vanishing, massage or any other similar cream to be used on the skin), lotions (hand, face, and skin, including astringents), nail polish (all kinds) and manicuring preparations, eyelash preparations, eyebrow pencils, eye shadowing preparations, hair oil, hair tonic and other hair preparations; but such shall not include soap (liquid, semi-solid or solid) nor any prescription prescribed for a particular individual by a physician regularly licensed and practicing in the State

of Texas when such prescription is filed with and filled by a pharmacist.

"3. The term 'playing cards' is defined to be a deck or pack containing at least fifty-two (52) cards of four (4) suits, commonly known as spades, hearts, diamonds, and clubs, and each such suit containing an ace, king, queen, jack, ten, nine, eight, seven, six, five, four, three, and deuce, such deck sometimes including a fifty-third or extra card, commonly known as the joker."

Sec. 2. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Morris moved that the conference report be adopted.

Mr. Favors moved as a substitute motion that the conference report be not adopted and that a new Conference Committee be requested to adjust the differences between the two Houses.

Mr. Morris moved to table the substitute motion by Mr. Favors.

The motion to table was lost.

Question recurring on the substitute motion by Mr. Favors, it was lost.

Mr. Manning moved to reconsider the vote by which the substitute motion was lost.

Mr. Morris moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 64; nays, 57.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

## Yeas—61

Allison	Kennedy
Bell	Kinard
Boone	King
Bridgers	Lansberry
Brown	Leyendecker
Bullock	Little
Bundy	Lock
Carlton	Lyle
Carrington	McAlister
Cato	McDonald
Celaya	Martin
Chambers	Mills
Colson, Mrs.	Montgomery
Connelly	Morgan
Crosthwait	Morris
Evans	Morse
Files	Murray
Gilmer	Phillips
Halsey	Rampy
Hanna	Reed of Dallas
Hardeman	Ridgeway
Hargis	Skiles
Harris of Hill	Smith of Atascosa
Hartzog	Spacek
Hefin	Stanford
Henderson	Stinson
Howard	Taylor
Hoyo	Vale
Huffman	Weatherford
Isaacks	Winfree
Jones	

## Nays—57

Alsup	Humphrey
Bailey	Hutchinson
Baker	Kelly
Bean	Klingeman
Bray	Knight
Bruhl	Lehman
Burkett	Lowry
Coker	Lucas
Craig	McGlasson
Crossley	McLellan
Daniel	McMurry
Davis	McNamara
Dickson of Nolan	Manford
Donald	Manning
Dove	Markle
Duckett	Matthews
Eubank	Pace
Favors	Parker
Ferguson	Price
Fuchs	Reed of Bowie
Garland	Rhodes
Harris of Dallas	Roberts
Helpinstill	Sallas
Hileman	Senterfitt
Hobbs	Simpson
Howington	Stubbs
Huddleston	Thornton

Turner  
Walters

Whitesides

**Absent**

Avant	Kersey
Brawner	McCann
Burnaman	Pevehouse
Cleveland	Sharpe
Deen	Shell
Dickson of Bexar	Smith of Bastrop
Ellis	Spangler
Gandy	Voigt
Goodman	Wattner
Hughes	White

**Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	

The Chair announced that the motion to table the motion to reconsider prevailed.

Mr. Favours moved that the Conference Committee report on Senate Bill No. 470 be laid on the table subject to call.

The motion was lost.

Question recurring on the adoption of the Conference Committee report on Senate Bill No. 470, yeas and nays were demanded.

The report was adopted by the following vote:

**Yeas—81**

Allison	Garland
Alsup	Gilmer
Bell	Halsey
Boone	Hanna
Bridgers	Hardeman
Brown	Hargis
Bullock	Harris of Hill
Bundy	Hartzog
Carlton	Heflin
Carrington	Helpinstill
Cato	Henderson
Celaya	Hileman
Chambers	Howard
Colson, Mrs.	Hoyo
Connelly	Huffman
Crosthwait	Humphrey
Dickson of Nolan	Hutchinson
Evans	Isaacks
Files	Jones
Fuchs	Kelly

Kennedy	Pace
Kinard	Parker
King	Phillips
Knight	Price
Lansberry	Rampy
Leyendecker	Reed of Bowie
Little	Reed of Dallas
Lock	Ridgeway
Lucas	Sallas
Lyle	Senterfitt
McAlister	Skiles
McDonald	Smith of Atascosa
McMurry	Spacek
Markle	Stanford
Martin	Stinson
Mills	Taylor
Montgomery	Turner
Morgan	Vale
Morris	Walters
Morse	Winfree
Murray	

**Nays—35**

Bailey	Harris of Dallas
Baker	Hobbs
Bean	Howington
Bray	Huddleston
Bruhl	Klingeman
Burkett	Lehman
Coker	McGlasson
Craig	McLellan
Crossley	McNamara
Daniel	Manford
Davis	Manning
Deen	Matthews
Donald	Rhodes
Dove	Roberts
Duckett	Simpson
Eubank	Thornton
Favors	Whitesides
Ferguson	

**Absent**

Avant	McCann
Brawner	Pevehouse
Burnaman	Sharpe
Cleveland	Shell
Dickson of Bexar	Smith of Bastrop
Ellis	Spangler
Gandy	Stubbs
Goodman	Voigt
Hughes	Weatherford
Kersey	White
Lowry	

**Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

Mr. Taylor moved to reconsider the vote by which the report was adopted.

The motion to reconsider prevailed.

Question: Shall the Conference Committee report on Senate Bill No. 470 be adopted?

The report was adopted by the following vote:

## Yeas—109

Allison	Humphrey
Alsup	Hutchinson
Bell	Isaacks
Boone	Jones
Brawner	Kelly
Bridgers	Kennedy
Brown	Kinard
Bruhl	King
Bullock	Klingeman
Bundy	Knight
Carrington	Lansberry
Carlton	Lehman
Cato	Leyendecker
Celaya	Little
Chambers	Lock
Coker	Lowry
Colson, Mrs.	Lucas
Connelly	Lyle
Crosthwait	McAlister
Daniel	McDonald
Deen	McGlasson
Dickson of Nolan	McLellan
Donald	McMurry
Dove	McNamara
Duckett	Manford
Eubank	Manning
Evans	Markle
Favors	Martin
Ferguson	Mills
Files	Montgomery
Fuchs	Morgan
Garland	Morris
Gilmer	Morse
Halsey	Murray
Hanna	Pace
Hardeman	Parker
Hargis	Pevehouse
Harris of Hill	Phillips
Hartzog	Price
Heflin	Rampy
Helpinstill	Reed of Bowie
Henderson	Reed of Dallas
Hileman	Ridgeway
Howard	Rhodes
Howington	Roberts
Hoyo	Sallas
Huddleston	Senterfitt
Huffman	Simpson

Skiles	Turner
Smith of Atascosa	Vale
Spacek	Weatherford
Stanford	White
Stinson	Whitesides
Stubbs	Winfree
Taylor	

## Nays—12

Bailey	Crossley
Baker	Davis
Bean	Harris of Dallas
Bray	Matthews
Burkett	Thornton
Craig	Walters

## Absent

Avant	Hughes
Burnaman	Kersey
Cleveland	McCann
Dickson of Bexar	Sharpe
Ellis	Shell
Gandy	Smith of Bastrop
Goodman	Spangler
Hobbs	Voigt

## Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

HOUSE BILL NO. 739 ON  
SECOND READING

Mr. White moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 739.

The motion prevailed.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 739, A bill to be entitled "An Act authorizing and directing the Attorney General of Texas to make such investigation and to institute and prosecute such legal proceedings or suits, or take such other action as he deems proper to protect the interest of the State of Texas in and to the waters of the Pecos River; providing for the appointment of a member of the State Board of Water Engineers as Compact Commissioner, upon request of the Attorney

General, to negotiate an agreement with representatives of the State of New Mexico and the United States of America concerning the storage, division and use of the waters of the Pecos River in New Mexico and Texas; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 739 on THIRD READING

Mr. White moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 739 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—92

Allison	Heflin
Alsup	Helpinstill
Baker	Henderson
Bean	Hileman
Bell	Hobbs
Boone	Howard
Brawner	Hoyo
Bridgers	Huddleston
Brown	Huffman
Bruhl	Humphrey
Bullock	Hutchinson
Bundy	Isaacks
Carrington	Jones
Cato	Kelly
Celaya	Kennedy
Chambers	Kersey
Coker	Klingeman
Colson, Mrs.	Lehman
Connelly	Leyendecker
Crossley	Little
Crothwait	Lock
Daniel	Lowry
Deen	Lucas
Dickson of Nolan	Lyle
Donald	McDonald
Dove	McMurry
Duckett	Manford
Eubank	Martin
Evans	Matthews
Favors	Montgomery
Garland	Morse
Gilmer	Murray
Goodman	Pevehouse
Halsey	Phillips
Hardeman	Price
Hargis	Rampy
Harris of Hill	Reed of Bowie
Hartzog	Reed of Dallas

Sallas	Thornton
Simpson	Turner
Skiles	Vale
Smith of Atascosa	Walters
Spacek	Weatherford
Stanford	White
Stubbs	Whitesides
Taylor	Winfree

#### Nays—23

Avant	Knight
Bailey	Lansberry
Bray	McGlasson
Carlton	McNamara
Davis	Markle
Ferguson	Morris
Files	Parker
Fuchs	Ridgeway
Hanna	Rhodes
Harris of Dallas	Roberts
Howington	Senterfitt
King	

#### Absent

Burkett	McLellan
Burnaman	Manning
Cleveland	Mills
Craig	Morgan
Dickson of Bexar	Pace
Ellis	Sharpe
Gandy	Shell
Hughes	Smith of Bastrop
Kinard	Spangler
McAlister	Stinson
McCann	Voigt

#### Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

The Chair then laid House Bill No. 739 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—91

Allison	Bullock
Alsup	Bundy
Baker	Carrington
Bean	Cato
Bell	Celaya
Boone	Chambers
Brawner	Coker
Bridgers	Colson, Mrs.
Brown	Connelly



Crosthwait	Lowry
Daniel	Lucas
Deen	McDonald
Dickson of Nolan	McGlasson
Donald	McMurry
Dove	McNamara
Duckett	Manning
Eubank	Martin
Evans	Matthews
Favors	Mills
Garland	Montgomery
Gilmer	Morgan
Halsey	Morse
Hardeman	Murray
Hargis	Pevehouse
Harris of Hill	Price
Hartzog	Rampy
Heflin	Reed of Bowie
Helpinstill	Reed of Dallas
Henderson	Sallas
Hileman	Simpson
Hobbs	Skiles
Howard	Smith of Atascosa
Hoyo	Spacek
Huddleston	Stanford
Huffman	Stinson
Humphrey	Stubbs
Hutchinson	Taylor
Isaacks	Thornton
Jones	Turner
Kelly	Vale
Kennedy	Walters
Kinard	Weatherford
Klingeman	White
Leyendecker	Whitesides
Little	Winfree
Lock	

## Nays—24

Avant	King
Bailey	Knight
Bray	Lansberry
Burkett	Lehman
Crossley	Lyle
Davis	McAlister
Ferguson	Markle
Files	Parker
Fuchs	Ridgeway
Hanna	Rhodes
Harris of Dallas	Roberts
Howington	Senterfitt

## Absent

Bruhl	Kersey
Burnaman	McCann
Carlton	McLellan
Cleveland	Manford
Craig	Morris
Dickson of Bexar	Pace
Ellis	Phillips
Gandy	Sharpe
Goodman	Shell
Hughes	

Smith of Bastrop Voigt  
Spangler

## Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

Mr. White moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair.)

HOUSE BILL NO. 963 ON  
SECOND READING

On motion of Mr. Manning the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 963.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 963, A bill to be entitled "An Act appropriating out of the State General Revenue Fund the sum of One Thousand (\$1,000.00) Dollars to the Eddins Common School District, No. 62, Shelby County, Texas, to be used by said school district in rebuilding a public schoolhouse within the district."

The bill was read second time.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 963 by striking out the word "equip" wherever it appears in the bill.

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 963 was then passed to engrossment.

Mr. Manning moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

# **MOTION TO PLACE HOUSE BILL NO. 963 ON THIRD READING**

Mr. Manning moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 963 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## **Yeas—76**

Allison	Huddleston
Alsup	Humphrey
Avant	Hutchinson
Baker	Jones
Bean	Kennedy
Boone	Knight
Brawner	Leyendecker
Bray	Little
Brown	Lock
Bruhl	Lowry
Bullock	Lucas
Bundy	McGlasson
Carrington	McMurry
Cato	McNamara
Celaya	Manford
Chambers	Manning
Coker	Martin
Connelly	Matthews
Crosthwait	Mills
Daniel	Montgomery
Deen	Morse
Donald	Murray
Duckett	Rampy
Eubank	Reed of Bowie
Evans	Rhodes
Favors	Sallas
Ferguson	Simpson
Garland	Skiles
Halsey	Spacek
Hargis	Stubbs
Harris of Dallas	Thornton
Harris of Hill	Turner
Hartzog	Vale
Heflin	Walters
Helpinstill	Weatherford
Henderson	White
Hileman	Whitesides
Hobbs	Winfree

## **Nays—37**

Bailey	Davis
Bell	Dickson of Nolan
Bridgers	Files
Burkett	Fuchs
Carlton	Gilmer
Colson, Mrs.	Hanna
Craig	Hardeman
Crossley	Howard

Howington  
Hoyo  
King  
Lansberry  
Lehman  
Lyle  
McAlister  
McDonald  
Markle  
Morgan  
Morris

Parker  
Phillips  
Price  
Reed of Dallas  
Ridgeway  
Roberts  
Senterfitt  
Smith of Atascosa  
Stanford  
Stinson

## **Absent**

Burnaman	Kinard
Cleveland	Klingeman
Dickson of Bexar	McCann
Dove	McLellan
Ellis	Pace
Gandy	Pevehouse
Goodman	Sharpe
Huffman	Shell
Hughes	Smith of Bastrop
Isaacks	Spangler
Kelly	Taylor
Kersey	Voigt

## **Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

## **NOTICE GIVEN**

Mr. Kinard gave notice that he would on the next legislative day move to take up for consideration at that time House Bill No. 166, which bill was heretofore laid on the table subject to call.

## **MESSAGE FROM THE SENATE**

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 323, A bill to be entitled "An Act amending Section 2 of Chapter 148, of the General Laws passed by the 42nd Legislature in its Regular Session in 1931, as amended by Section 2, of Chapter 15, of the General Laws passed by the 44th Legislature in its Regular Session, 1935; etc., and declaring an emergency."

S. B. No. 175, A bill to be entitled "An Act declaring the floods of Fayette County, Texas, to be a public calamity; etc., and declaring an emergency."

S. B. No. 479, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding revenue bonds to take up outstanding revenue bonds issued for the purpose of constructing Exposition and Convention Halls or Coliseums; etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate bills received from the Senate today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 323, to the Committee on Counties.

S. B. No. 175, to the Committee on State Affairs.

S. B. No. 479, to the Committee on Counties.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills:

H. B. No. 952 "An Act providing for the use of certain set nets or gill nets in the waters of Montgomery County; specifying conditions under which such nets may be used; providing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 465, "An Act providing that in all counties in the State of Texas, having a County Court at Law for Civil or Criminal Cases, the Judge of such County Court at Law shall, in all cases of disqualification, inability or absence of the County Judge, preside in place of the County Judge in all Probate proceedings, and shall preside over the Juvenile Court and the Lunacy Court of such

County, and declaring an emergency."

H. B. No. 832, "An Act amending Article 2370, Revised Statutes of 1925, by providing that the Commissioners Court of any county may, when necessary, furnish suitable quarters, other than the court house, for holding court and carrying on other public business and may rent such part of any such quarters not necessary for public use; authorizing the Commissioners Court, where any such building is used partly for public and partly for private purposes, to issue securities for certain purposes and to pledge the net revenues derived from such renting; setting forth the terms and provisions of such pledge and of any such securities and making applicable to such securities the bond and warrant law of 1931, as amended, with certain exceptions, and declaring an emergency."

#### MOTION TO INTRODUCE CERTAIN BILL

Mr. Huffman moved to introduce the following bill:

H. B. No. —, A bill to be entitled "An Act to amend Article 3891, Revised Civil Statutes of Texas, as amended, to provide that county officers in counties containing twenty-five thousand (25,000) inhabitants or less, shall retain excess fees which will amount to, together with the amount specified in Article 3883, the sum of Thirty-five Hundred Dollars (\$3,500.00), and one-fourth ( $\frac{1}{4}$ ) of additional excess fees not to exceed a total of Forty-two Hundred and Fifty Dollars (\$4,250.00); and amending Section 1, of Article 3902, Revised Civil Statutes of Texas, 1925, as amended, to authorize, in counties having a population of twenty-five thousand (25,000) inhabitants or less, the payment to the First Assistant or Chief Deputy an additional sum of Two Hundred Dollars (\$200.00) annually after such First Assistant or Chief Deputy shall have served continuously for two years as such; and declaring an emergency."

The motion was lost by the following vote:

## Yeas—27

Bean	Lock
Boone	Lucas
Celaya	Lyle
Colson, Mrs.	Manford
Connelly	Morgan
Donald	Price
Duckett	Reed of Bowie
Eubank	Skiles
Evans	Spacek
Hartzog	Taylor
Helpinstill	Thornton
Hobbs	Vale
Hoyo	Whitesides
King	

## Nays—73

Allison	Hutchinson
Alsup	Jones
Bailey	Kelly
Baker	Kennedy
Bray	Klingeman
Brown	Knight
Bullock	Lansberry
Bundy	Lehman
Burkett	Leyendecker
Carlton	Little
Carrington	McAlister
Cato	McGlasson
Coker	McMurry
Craig	McNamara
Crossley	Manning
Crosthwait	Martin
Daniel	Matthews
Davis	Mills
Deen	Montgomery
Dickson of Nolan	Morris
Favors	Morse
Ferguson	Murray
Files	Pace
Fuchs	Parker
Garland	Phillips
Gilmer	Rampy
Hanna	Reed of Dallas
Hardeman	Rhodes
Hargis	Roberts
Harris of Dallas	Sallas
Heflin	Senterfitt
Henderson	Simpson
Hileman	Stinson
Howard	Stubbs
Howington	Weatherford
Huddleston	Winfree
Humphrey	

## Present—Not Voting

Markle

## Absent

Avant	Brawner
Bell	Bridgers

Bruhl	Lowry
Burnaman	McCann
Chambers	McDonald
Cleveland	McLellan
Dickson of Bexar	Pevehouse
Dove	Ridgeway
Ellis	Sharpe
Gandy	Shell
Goodman	Smith of Bastrop
Halsey	Smith of Atascosa
Harris of Hill	Spangler
Huffman	Stanford
Hughes	Turner
Isaacks	Voigt
Kersey	Walters
Kinard	White

## Absent—Excused

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

MOTION TO INTRODUCE CERTAIN  
RESOLUTION

Mr. Davis moved to introduce the following resolution:

H. J. R. No. —, Proposing an amendment to the Constitution of Texas by adding thereto a new section, to be known as Section 11a of Article VII, to authorize the Board of Regents of the University of Texas to issue bonds in a sum not exceeding One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the purpose of constructing a Cancer Hospital and Experimental Station to be operated under the control of the Board of Regents, and authorizing the payment of such bonds from a pledge of a sufficient portion of the funds accruing to the Permanent University Fund.

The motion was lost by the following vote:

## Yeas—47

Alsup	Davis
Avant	Deen
Baker	Dickson of Nolan
Bruhl	Donald
Bundy	Duckett
Burkett	Favors
Celaya	Ferguson
Colson, Mrs.	Hanna
Crossley	Harris of Hill
Daniel	Hartzog

Henderson	Martin
Hobbs	Montgomery
Huddleston	Morgan
Huffman	Parker
Kinard	Phillips
Lock	Rampy
Lowry	Rhodes
Lucas	Sallas
McAlister	Spacek
McGlasson	Taylor
McMurry	Thornton
McNamara	Vale
Manford	Whitesides
Manning	

**Nays—65**

Allison	Kelly
Bailey	Kennedy
Bean	King
Bell	Klingeman
Boone	Knight
Bray	Lansberry
Brown	Lehman
Carlton	Leyendecker
Carrington	Little
Cato	McDonald
Chambers	Markle
Coker	Matthews
Craig	Mills
Crosthwait	Morris
Dickson of Bexar	Morse
Evans	Murray
Files	Pace
Fuchs	Price
Garland	Reed of Bowie
Gilmer	Reed of Dallas
Halsey	Ridgeway
Hardeman	Roberts
Hargis	Senterfitt
Harris of Dallas	Shell
Heflin	Simpson
Helpinstill	Smith of Atascosa
Hileman	Stanford
Howard	Stinson
Howington	Stubbs
Hoyo	Turner
Humphrey	Weatherford
Hutchinson	Winfree
Jones	

**Absent**

Brawner	Hughes
Bridgers	Isaacks
Bullock	Kersey
Burnaman	Lyle
Cleveland	McCann
Connelly	McLellan
Dove	Pevehouse
Ellis	Sharpe
Eubank	Skiles
Gandy	Smith of Bastrop
Goodman	Spangler

Voigt	White
Walters	

**Absent—Excused**

Allen	Fitzgerald
Anderson	Love
Benton	Moore
Blankenship	Nicholson
Clark	Roark
Dwyer	Wattner

**HOUSE BILLS ON FIRST READING**

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Lock:

H. B. No. 1060, A bill to be entitled, "An Act Creating Road District No. 6 of Tyler County, Texas, under authority of Article 3, Section 52, of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof; making it a body corporate and taxing district; describing said district by metes and bounds; reciting that it comprises a portion of the territory of road district No. 2, of said County which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 6 to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52 of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax-paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas, and particularly Chapter 16 of the General Laws enacted by the 39th Legislature at its First Called Session, in 1926, and amendments thereto; and declaring an emergency."

Referred to the Committee on Counties.

Mr. Ridgeway asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1061.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Ridgeway:

H. B. No. 1061, A bill to be entitled "An Act to amend Section One of Senate Bill No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining Group Life Insurance; providing that no policy of Group Life Insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of Life Insurance covering a group except as provided by the provisions of the Act; and declaring an emergency."

Referred to the Committee on Insurance.

#### MESSAGES FROM THE GOVERNOR

The Speaker laid before the House and had read the following messages from the Governor:

May 22, 1941.

To the House of Representatives of the Forty-seventh Legislature:

On May 13 this office received House Concurrent Resolution No. 111 requesting the return of House Bill No. 371.

On May 2 I sent a message to the House attached to House Bill No. 371 which was in the nature of a veto, copy of which is attached. Therefore, I return to you House Concurrent Resolution No. 111.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

May 26, 1941.

To All Members of the Forty-seventh Legislature:

An emergency has arisen which will prevent the State of Texas from receiving federal matching funds for old-age assistance after July 1, 1941, unless proper action is taken by the Legislature immediately.

The Federal Social Security Act was amended in 1939 making it necessary that the State Agency in determining need shall take into consideration all income and resources of individuals claiming old-age assistance; this provision of the federal law becomes effective July 1, 1941. Representatives of the Social Security Board have informed officials of the State Department of Public Welfare that the present law will not conform to the federal law after July 1, 1941, and that legislative action must be taken to insure the continuance of federal funds after that date. House Bill No. 611, recently passed by the House of Representatives, does, in the opinion of the officials of the State Department of Public Welfare, meet the provisions of the federal law that go into effect on July 1 if all House amendments are eliminated. It is believed that if the law is changed as provided for in House Bill No. 611, the State Department will be able to make a liberal interpretation of the law which will mean a more liberal program and will at the same time insure the continuance of federal matching funds for old-age assistance in Texas.

The State Department of Public Welfare must apply thirty days in advance in requesting the approval of federal funds for old-age assistance. This means that the request for the quarter beginning July 1 must be made to the federal authorities on June 1, which is only one week from this date. It is therefore very urgent that House Bill No. 611 now in the Senate be considered as emergency legislation and should receive your quick attention.

The fact that the amendments to the federal law takes effect on July 1 makes it necessary that the passage of any Act without making it effective at once will be too late to insure federal matching funds for old-age assistance for the month of

July, 1941; therefore, I respectfully submit House Bill No. 611, as passed by the House as emergency legislation, and request your earliest consideration.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

May 26th, 1941.

To the House of Representatives,  
Forty-seventh Legislature:

I return House Bill No. 875 without my approval.

This Act penalizes employees working in seasonal industries by providing that Seasonal Employees' benefits under the Unemployment Compensation Act shall be determined by taking the percentage the total number of weeks in the calendar year the seasonal industry regularly operates bears to the total number of weeks in a calendar year. In other words, if an employee works for a seasonal industry that operates twenty-six (26) weeks out of a calendar year he would draw 1/2 the benefits he would be entitled to draw if he had worked for a non-seasonal employer. The workman is penalized because of the nature of the industry he works in.

It has been called to my attention that the "Experience Rating Law," which went into effect early this year, has caused concerns whose business is seasonal to have their taxes increased and is working a hardship upon such businesses. As I understand the "Experience Rating Law," it is designed to reward the employer who causes no unemployment by giving him a reduced rate and penalizes the employer who causes unemployment by increasing his rate. Obviously seasonal industries cause more unemployment than year-round industries and therefore must under the "Experience Rating Law" pay a higher rate. While I sympathize with the seasonal employers I do not believe that the best interest of the public will be served by reducing their taxes by denying full benefits to the thousands who work for them, and who are the very workmen who need unemployment compensation most to tide them over from one job to another. These unemployed workmen must either be taken care of by

the industry who depends upon them, or by the general public through relief or charity. The bill is designed solely to obtain a tax reduction for a specific group of employers, which reduction as said herein above, is to be made at the expense of denying full benefits to their employees who become unemployed through no fault of their own.

The creation of this exemption, like that in House Bill No. 753 also vetoed by me, would bring demands from other groups for similar exemptions and would open a loophole that would be hard to plug in the future. I think benefits should be extended to more workmen instead of denying benefits to any.

For the above reasons I must decline to approve House Bill No. 875.

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas, May 26, 1941.

To the House of Representatives,  
Forty-Seventh Legislature:

I return herewith House Bill No. 753 without my approval.

This act will deny benefits to a class of employees that need unemployment benefits most. It is a well-known fact certain employees employed by hotels, eating and drinking establishments depend entirely upon tips for their remuneration and in some instances pay the employer for the privilege of having a job. Most of these employees are in the low earning class and their earnings from tips are spasmodic and uncertain and in a majority of cases the tips represent the entire remuneration for the employee's services and the elimination of tips as wages under this Act would deny unemployment benefits to such employees. I am informed that approximately 13,000 employees would be affected by this Act. One of my chief objections to the administration of our social security program has been and is to so many of our common citizens being denied benefits because of some hitch in the law denying benefits to certain classes. In my opinion the benefits of the Unemployment Compensation law should be extended to more people instead of restricting benefits to a chosen few.

This type of legislation would encourage other groups to seek to have their employees exempted from the Act, thereby reducing their tax, and denying benefits to thousands who need the compensation to tide them over periods of unemployment while looking for another job; and before long no one would be covered by the Unemployment Compensation law. In addition to this, if they do not find a job the unemployed person becomes a charge upon the public or must be cared for by charity. In either case the employer benefiting by this Act has shifted his responsibility to other employers who are taking care of their employees who become unemployed through no fault of the employee.

Surely employers who have the wages of their employees paid by the public can afford to pay the tax upon those wages. The present law provides a method of computing these wages which I think fair and reasonable to all concerned.

For the above reason I cannot approve House Bill No. 753.

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas, May 26, 1941.

To the Members of the Forty-seventh Legislature:

On April 30th I sent you a message advising that an emergency had arisen in the old-age pension division of the Department of Public Welfare which would cause the old-age pension checks to be cut during the months of May, June, July and August of this year, unless some action was taken by the Legislature immediately. I stated in that message the amounts of money that would be needed to prevent these cuts in the Pension checks. I sent you another emergency on May 19, 1941.

To date no provision has been made by the Legislature to make the appropriations which I recommended, and as a result it is now too late to prevent the \$3.00 cut in the pension checks for the month of May of this year. This cut will cause untold hardships, and suffering, on the part of many of these old-age pension recipients, it is not

only a cut of \$3.00, but it is a \$3.00 cut in addition to the \$4.00 cut which they had already taken, therefore, the May checks to all old-age pension recipients were \$7.00 less than the amount due each one of them.

In view of this serious situation may I again urge that you give immediate attention to this matter, and I recommend that you make the appropriation for the full amount which I suggested in my message to you on April 30th, which amount is \$1,028,000. By making this full appropriation, the June checks can be made to compensate for the loss in the May checks.

There has been some discussion about an \$800,000 suspense fund in the treasury, and the Department of Public Welfare has asked the Attorney General for a ruling on the availability of this money for old-age pensions, and the ruling states that this \$800,000 in the suspense account belongs to the General Fund and cannot be used for old-age assistance without new legislative authorization.

Therefore, I suggest that legislation be enacted placing this \$800,000 in the old age assistance fund immediately, and a new additional appropriation of \$228,000 will make up the needed \$1,028,000.

There is also a provision in House Bill No. 8 which limits the total payments to old-age assistance to \$1,000,000 per month up until September. This provision should be immediately eliminated by statute, as these old-age pension recipients can receive the full amounts due them during June, July and August. This limitation of \$1,000,000 per month in House Bill No. 8 is raised to \$1,750,000 per month effective September 1st, 1941.

I am attaching a bill which will make these corrections, and also correct the joker in House Bill No. 8 about which I sent you a message on May 20th. I am submitting this as emergency legislation, and trust you will give it your immediate consideration.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.



TEXT OF BILL SUBMITTED BY  
GOVERNOR

A BILL

To Be Entitled

An Act to amend Section 4 of Article XVIII of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, to provide for the allocation of funds collected under Article XVIII of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, and to provide for the transfer and allocation of revenue previously collected and now held in suspense by the Insurance Commission, preparatory to distribution to certain funds; amending Section 2, Article XX of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, providing for the allocation and transfer of certain funds; providing for \$1,750,000.00 for old-age assistance for each month of the fiscal year ending August 31, 1941, and appropriating, transferring and crediting to the Old-Age Assistance Fund \$1,750,000.00 monthly; providing for the transfer, allocation, appropriation and crediting of funds ordinarily allocated to the General Revenue Fund for old-age assistance; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 4, Article XVIII of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, is hereby amended so as to hereafter read as follows:

"Sec. 4. All revenue derived from, and collected under the provisions of this article shall be allocated as hereinafter provided in Article XX of this Act. Provided, however, that all revenue collected prior to the effective date of this Act and now held in suspense by the Insurance Commission preparatory to being distributed and allocated to certain funds, is hereby appropriated, allocated, and transferred as follows: One-fourth ( $\frac{1}{4}$ ) to the Available School Fund of the State of Texas and Three-fourths ( $\frac{3}{4}$ ) to the Old-Age Assistance Fund as created by Article XX, Section 2, Sub-section (4) of this Act. All laws, and parts of laws in conflict with this section

are repealed to the extent of such conflict only."

Sec. 2. Sec. 2 of Article XX, House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, is hereby amended so as to hereafter read as follows:

"Sec. 2. All revenue derived from and collected under Article VIII of this Act shall be paid into the General Revenue Fund of the State of Texas. All revenue derived from and collected under Article XIII of this Act shall be and is allocated as now provided by law. All revenue derived from and collected under Article XVII of this Act shall be allocated as provided in Section 25 of said Article.

From all revenue derived and collected under the provisions of Articles I, II, III, IV, V, VI, VII (subdivision a), IX, X, XI, XII, XIV, XV, XVI, and XVIII of this Act after deduction of that portion provided for enforcement purposes, there shall be allocated to the Available School Fund one-fourth ( $\frac{1}{4}$ ) of the total sum collected thereunder and same shall be deposited and credited to the Available School Fund in the State Treasury.

After deduction of the allocation provided in the next preceding paragraph to be apportioned to the Available School Fund, the balance of the funds collected under Articles I, II, III, IV, V, VI, VII (subdivision a), IX, X, XI, XII, XIV, XV, XVI, and XVIII of this Act shall be deposited in a Clearance Fund in the Treasury, and from such fund the revenues so derived and collected shall be transferred and allocated by the State Treasurer as follows:

(1) There shall be appropriated and allocated, transferred, and credited to a special fund in the Treasury, to be known as the "Blind Assistance Fund," for the purpose of providing and administering assistance to the blind in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, Forty-sixth Legislature, 1939, such part of Four Hundred Thousand Dollars (\$400,000) as the effective period of this Act for the fiscal year ending August 31, 1941, bears to the entire fiscal year, and there shall be transferred and credited to such Fund the Sum of Four Hundred Thousand Dollars (\$400,000) for each fiscal year

thereafter, said amount to be provided on a basis of equal monthly installments.

(2) There shall be appropriated and allocated, transferred, and credited to a special fund in the Treasury, to be known as the "Children Assistance Fund," for the purpose of providing and administering assistance to dependent and destitute children in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, Forty-sixth Legislature, 1939, such part of One Million, Five Hundred Thousand Dollars (\$1,500,000) as the effective period of this Act for the fiscal year ending August 31, 1941, bears to the entire fiscal year, and there shall be transferred and credited to such Fund One Million, Five Hundred Thousand Dollars (\$1,500,000) for each fiscal year thereafter, said amount to be provided on a basis of equal monthly installments.

(3) Beginning with the fiscal year starting on September 1, 1941, and annually thereafter, there is hereby allocated and appropriated to the Teacher Retirement System of Texas in accordance with the provisions of Senate Bill No. 47, Acts of the Regular Session, Forty-fifth Legislature, 1937, and any amendments thereto, a sum each year equivalent to the contributions of the members of the Teacher Retirement System during said year. Said amounts are hereby allocated and appropriated and shall be paid to the Teacher Retirement System in equal monthly installments beginning September 1, 1941, and monthly thereafter based upon the annual estimate by the State Board of Trustees of the Teacher Retirement System of the contributions to be received from the members of said System during said year; provided further, in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the teachers' contributions during the year, then such adjustments shall be made at the close of each fiscal year as may be required.

There is likewise hereby allocated and appropriated to the Teacher Retirement System of Texas beginning on the First day of the First month after the effective date of this Act, and monthly thereafter, the sum of Fifty Thousand Dollars (\$50,000),

which shall be paid by the State Treasurer to the Teacher Retirement System until such time as the total additional amounts so deposited by the State of Texas shall be equivalent to the total amount contributed by the members of the Retirement System from September 1, 1937, to September 1, 1941, as certified by the State Board of Trustees of the Teacher Retirement System.

(4) After the above allocations and payments have been made from such Clearance Fund, there shall be paid therefrom into the Old-Age Assistance Fund on the 1st day of each month, such sum, which, taken with other sums paid into such Old-Age Assistance Fund by virtue of other laws still in force, will equal a total of One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000), and such sum is hereby appropriated for the use provided by law for such Old-Age Assistance Fund. Should such payments into the Old-Age Assistance Fund by virtue of other laws exceed One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000) in any one month, then not more than One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000) of such shall be expended for old-age assistance in such month, and the remainder in excess thereof shall be withheld until the succeeding month or months and be taken into consideration in allocating funds from the Clearance Fund to the Old-Age Assistance Fund, and the amount paid in from the Clearance Fund into the Old-Age Assistance Fund shall be reduced accordingly to the end that a stationary sum of One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000) per month be available from State funds for old-age assistance; provided, however, that for the balance of the fiscal year ending August 31, 1941, the payments into the Old-Age Assistance Fund shall be made in the same manner as provided above. However, in the event the total paid from all sources into the Old-Age Assistance Fund including the amount allocated to the Old-Age Assistance Fund from the Clearance Fund on the 1st day of each month as provided above, does not amount to One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000) for each

month after the effective date of this Act, then in that event, the first revenue collected and which ordinarily would be paid into the General Revenue Fund of the State of Texas after the 1st day of each month shall be set aside, allocated, transferred, credited, and appropriated to the Old-Age Assistance Fund to the extent and in such sums as are necessary to provide One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000) in the Old-Age Assistance Fund for each month after the effective date of this Act. All laws in conflict with this section are hereby repealed to the extent of such conflict only.

(5) All other revenue or money of any kind or character remaining in such Clearance Fund shall be paid into the General Revenue Fund of the State of Texas."

Sec. 3. The fact that the revenue to be collected under Article XVIII of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, was not allocated as intended by the Legislature because of an omission in the allocating section of the Act; and the fact that Old-Age Assistance recipients are now not receiving the full amount of grants to which they are entitled and are at this time facing another cut in payments unless additional revenue is made available immediately; and the further fact, that it will be impossible to pay old-age assistance grants in full until September 1, 1941, under existing laws thus causing a hardship on all persons eligible for old-age assistance grants, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Pending the reading of the Governor's message, Mr. Manford occupied the Chair.)

#### ADJOURNMENT

Mr. Cato moved that the House recess until 8:30 o'clock p. m., today.

Mr. Bean moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Bean prevailed, and the House accordingly at 7:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

##### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: H. B. No. 1059.

Municipal and Private Corporations: H. B. Nos. 1030, 1053.

Claims and Accounts: S. B. No. 471.

State Affairs: S. B. No. 351.

Game and Fisheries: H. B. No. 1057 and 1058.

State Affairs: H. C. R. Nos. 166 and 172.

Common Carriers: S. B. No. 297.

##### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 171, Opposing further transfer of tankers for the purpose of carrying oil and its products to the North Atlantic ports for the British.

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop,  
Vice Chairman.

Austin, Texas, May 22, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 164, Granting permission to the District Judges to be absent from the State of Texas at such intervals and for such time as they may see fit and proper during the years 1941 and 1942, taking into consideration the conditions of the dockets of said Courts.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 22, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1043, A bill to be entitled "An Act granting to the City of Port Arthur, Texas, all right, title and interest of the State of Texas to certain land within said City, and lying adjacent to the Sabine-Neches Canal, and lying between said Canal and Sabine Lake, and commonly known as the Canal Spoil Bank, and granting the said City of Port Arthur right, power and authority to locate, construct, own, lease, sell and maintain upon such land facilities for air ports and other improvements, and granting the said city the right and authority to lease or sell such land and to issue franchises to others covering privileges accorded to the City of Port Arthur, and reserving all mineral rights to the State, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 22, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1042, A bill to be entitled "An Act relinquishing to the City of Port Arthur, Texas, all right, title and interest of the State of Texas in and to certain land described in House Bill No. 819, 42nd Legislature, approved May 18th, 1931, amending Section Two (2) of House Bill No. 819 and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 22, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 376, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of

the General Revenue Fund to pay taxes due by the State to certain independent school districts and a common school district; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 465, "An Act Providing that in all counties having a population of less than three hundred and fifty thousand (350,000) inhabitants according to the last preceding or any future Federal Census in the State of Texas having County Courts at Law, the Judges of such Courts may act for the County Judge in probate or guardianship proceedings or matters, also in juvenile and lunacy cases; providing that any such act and judgment of any such Judge of the County Court at Law shall be valid and binding upon all parties the same as if rendered by the County Judge; providing that this Act shall not deprive the parties interested in any case pending in the County Court to appoint a proper person to try such case in the manner provided by the Constitution of this state when the Judge of the County Court in such case is disqualified; providing that no additional compensation or salary shall be paid to the Judge of any such County Court at Law for such additional powers and duties conferred upon such Judges of the County Courts at Law by this Act; providing this Act shall not apply to any county having a population of more than three hundred and fifty thousand (350,000), according to the last Federal Census; providing for the repealing of all laws and parts of laws in conflict with this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 921, An Act to declare a closed season on the killing of deer, dove, and quail in Culberson County and the killing of quail and dove in Hudspeth County for a period ending February 1, 1945; prescribing a penalty therefor; and declaring an emergency,

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 405, "An Act Amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature, by adding thereto a new section following Section 3 to be known as Section 3a to provide that every director appointed to the Board of Directors of the Lower Colorado River Authority shall be a resident of and freehold property taxpayer of the county from which he is appointed and shall have been such resident of and freehold property taxpayer in such county for not less than two (2) years next preceding such appointment; providing that not more than one (1) of such directors shall be residents of the same county and that all such directors shall be appointed by the Governor with the advice and consent of the Senate; providing further that of the board of nine (9) directors, provided for in Section 3 of said Act, at least six (6) of said directors shall at all times be resident citizens of the counties named in Section 1 of said Act; providing that present directors may continue in office until their terms expire, and shall be eligible for reappointment; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 768, "An Act relating to the subject of bonds, notes, and warrants heretofore issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, and the Board of Directors of the Texas College of Arts and Industries, under Chapter 5, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants, and notes issued by said Boards, the resolutions and other proceedings authorizing the issuance and the provisions made for the payment of principal and interest of such bonds, warrants, and notes; and making it the duty of said Boards to fix, maintain, and collect charges or rates sufficient to pay interest and principal as it accrues and matures on bonds, warrants, and notes heretofore or hereafter issued, (pursuant to resolutions heretofore adopted), and to create and maintain reasonable reserves as prescribed in resolutions authorizing the issuance of such securities; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 159, Authorizing the Board of Control to lease to the City of Austin certain land.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 136, "An Act to promote, encourage, increase, and stimulate the use and sale of Texas rice; declaring the legislative intent with reference to the rice industry; providing a title for the Act; creating a Rice Development Commission; defining terms; levying a tax or assessment on rice milled in the State of Texas; providing for the collection thereof; providing penalty to be assessed for failure to pay said tax; giving certain authority to the Rice Development Commission; requiring the keeping of certain records; providing penalty for failure to comply with the Act; providing for cooperation and joint action with boards or other authorities which may be created in Louisiana and Arkansas upon which similar powers have been or may be conferred; providing the Commission shall serve without pay except for time actually expended in connection with their duties; providing for employees and appropriating the funds collected to the use of the Commission; delegating all duties and functions of the Texas Rice Commission to the Department of Agriculture; authorizing Commissioner or Board of Agriculture to appoint a Rice Development Commission to help administer said Act; providing when the Act to be effective; providing a saving clause; providing the Act shall expire two (2) years from its effective date unless extended by vote of rice growers; providing for elections on the subject every two (2) years; providing manner of holding elections, form of ballot and how cost to be paid; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 514, "An Act repealing Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by Senate Bill No. 24, Chapter 5, Acts of the Forty-sixth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1004, "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding or any future United States Federal Census, there shall be imposed upon all male persons who do not reside in an incorporated city, town, or village the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1st of each year the sum of Three Dollars (\$3); providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and particularly repealing House Bill No. 709 of the Forty-seventh Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1001, "An Act authoriz-

ing independent school districts in counties having a population of not less than one hundred and three thousand (103,000) and not more than one hundred and nine thousand (109,000), according to the last preceding Federal Census, to levy and collect additional maintenance taxes; providing for elections to authorize such tax levies; and declaring an emergency.'''

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 26, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1008, "An Act relating to the payment to the County Judges in counties of not less than seven thousand and fifty (7,050) and not more than seven thousand and seventy-five (7,075) population, according to the last preceding Federal Census, a compensation for the services of such County Judges as budget officers of the counties; providing for the payment of such compensation out of the General Fund of such counties in addition to any and all compensation now provided by law to be paid such County Judges; repealing all laws or parts of laws, Special and General, in conflict or inconsistent with the provisions of this Act; providing effective date of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

May 26, 1941

House Concurrent Resolution No. 152.

House Concurrent Resolution No. 151.

House Concurrent Resolution No. 161.

House Concurrent Resolution No. 169.

House Concurrent Resolution No. 162.

House Concurrent Resolution No. 157.

House Concurrent Resolution No. 159.

House Bill No. 961.

House Bill No. 1016.

House Bill No. 418.

House Bill No. 683.

House Bill No. 981.

House Bill No. 34.

House Bill No. 876.

House Bill No. 752.

House Bill No. 999.

House Bill No. 342.

House Bill No. 878.

House Bill No. 609.

House Bill No. 1010.

House Bill No. 139.

House Bill No. 477.

House Bill No. 341.

House Bill No. 716.

House Bill No. 476.

House Bill No. 528.

House Bill No. 953.

House Bill No. 751.

House Bill No. 994.

House Bill No. 397.

House Bill No. 921.

House Bill No. 440.

House Bill No. 94.

House Bill No. 1023.

House Bill No. 750.

House Bill No. 1004.

House Bill No. 880.

House Bill No. 285.

House Bill No. 514.

House Bill No. 889.

House Bill No. 608.

House Bill No. 1008.

House Bill No. 633.

House Bill No. 356.

House Bill No. 405.

House Bill No. 768.

House Bill No. 1001.

**In Memory of**  
**Mrs. Molly Mims**

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Mr. Hardeman offered the following resolution:

H S. R. No. 302, In Memory of Mrs. Molly Mims.

Whereas, Mrs. Molly Mims of San Angelo, Texas, has been called to rest from her earthly labors; and

Whereas, She was born at Holy Spring, Mississippi, on November 12, 1853, and came to Texas in 1883, settling at San Marcos; and

Whereas, She was one of the pioneer women of West Texas, having removed to Runnels County in August, 1889, and in November following, removed to the Grape Creek community in Tom Green County, where she lived until 1900 when she removed to the City of San Angelo where she continued to reside until she departed this life on May 21, 1941; and

Whereas, She was a life-long member of the Methodist Church and contributed of her time and talents to the up-building of the communities in which she lived and especially during her 41 years' residence of the City of San Angelo; and

Whereas, Because of her long and useful life, she will be greatly missed by her host of relatives and friends, and it is the desire of the House of Representatives to acknowledge the passing of this fine character; now, therefore, be it

Resolved by the House of Representatives, That it acknowledge with regret the passing of this pioneer West Texan, and that a copy of this resolution be spread upon the Journal of the House, and that when the House adjourns today it do so in memory of Mrs. Molly Mims; and, be it further

Resolved, That the Chief Clerk of the House of Representatives of Texas be directed to furnish copies of this resolution to the members of her family under the seal of the House.

The resolution was read second time and was unanimously adopted by a rising vote.



**In Memory of**

**Dr. Elza Marion Perry**

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Mr. Hardeman offered the following resolution:

H. S. R. No. 303, In Memory of Dr. Elza Marion Perry.

Whereas, On the 21st of May, 1941, Dr. Elza Marion Perry of Dallas, Texas, was called from the walks of men; and

Whereas, Dr. Perry was born in San Angelo, Texas, on August 27, 1901, and attended the public schools of that City until his graduation therefrom in 1918 and received his degree of Doctor of Medicine from the University of Texas in 1925; and

Whereas, Dr. Perry determined early in his career to specialize in neurology and psychiatry and after serving an internship in Brooklyn, he became connected with the Institute for Neurology of New York City where he served as resident physician in 1925-26; and

Whereas, He was awarded the Commonwealth Fellowship in Psychiatry and in 1926-27 he divided his study in the fellowship in child guidance clinics and other studies in Cleveland and Philadelphia; and

Whereas, Dr. Perry was named director of the Dallas Child Guidance Clinic in May, 1927, a position which he held until October, 1935, when he entered the private practice; and

Whereas, He was an associate professor of neurology and psychiatry at Baylor University School of Medicine and was a consultant at Parkland Hospital of Dallas, Texas, and contributed many articles to the leading medical journals of the Nation; and

Whereas, He served as President of the Texas Society for Mental Hygiene and had been continuously on the Board of the Dallas Child Guidance Clinic since he resigned as directing head in October, 1935, and was also on the staff of the Scottish Rite Hospital for Crippled Children and lectured for a number of years at the Dallas Civic Federation on Child Guidance; and

Whereas, It is the desire of the House of Representatives that a life of such distinguished service be acknowledged; now, therefore, be it

Resolved, That the House of Representatives express its deep sorrow upon the death of this eminent citizen and extend to the members of his family the condolences of the Members of the House; and, be it further

Resolved, That the Chief Clerk of the House be directed to send a copy of this resolution to the members of his family and that when the House adjourns today it do so in memory of the late distinguished Dr. Elza Marion Perry.

The resolution was read second time and was unanimously adopted by a rising vote.

**In Memory of**

**Honorable Julian P. Harrison**

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Mr. Isaacks offered the following resolution:

H. S. R. No. 305, In Memory of Hon. Julian P. Harrison.

Whereas, Late in the evening of May 22, 1941, the Honorable Julian P. Harrison was suddenly stricken and departed this life; and

Whereas, Julian P. Harrison was an honored Member of the House of Representatives during the sessions of the Forty-first and Forty-second Legislatures, where he rendered valuable service, not only to his constituency, but to the entire State. He served with distinguished ability as a law-maker and when he voluntarily retired he had the respect, good will and friendship of all the Members with whom he had served. He was born in Marshall, Texas, September 19, 1895; his ancestors on both sides being of pioneer Texas families. He graduated from Marshall High School, then attended A. and M. College for two years studying civil engineering, then graduated from the Law School of the University of Texas. In August of 1921 he moved to El Paso and began the practice of law, which practice he has continued with distinguished ability since that time. He was an active member of the Texas Bar Association, a Director from the Eighth Supreme Judicial District, was a member of the El Paso Bar Association and the American Bar Association, in all of which Associations he has rendered valuable service to his chosen profession and has been looked upon, not only by the people of El Paso but many people through the State, especially among the lawyers, as an outstanding lawyer, a distinguished statesman and a citizen of the highest integrity. He served with the National Guard on the Mexican Border in 1916 and as a Lieutenant with the American forces in France for fourteen months during the World War. He served with the Thirty-sixth Division in front line action, including the Argonne. He was married to Mrs. Faye Ayers in January, 1929, she, with his mother and father, Mr. and Mrs. Y. D. Harrison of Marshall, Texas, and two brothers surviving him. During the last two years he has held the office of Texas Commissioner of the Rio Grande Compact Commission, and was serving as such when he passed away; now, therefore,

Be It Resolved by the House of Representatives of the Forty-seventh Legislature, That the Members thereof deeply regret the passing of this able and public-spirited citizen, statesman and lawyer, and extend their sincere sympathy to his bereaved family; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to send to the bereaved wife of the deceased a copy of this Resolution and that a copy thereof be spread on the memorial pages of the House Journal of today and that when the House of Repre-

sentatives adjourns for today that it do so in memory of and in tribute of the late Julian P. Harrison.

ISAACKS,  
BEAN,  
BRIDGERS,  
MORSE.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bell, Benton, Blankenship, Boone, Brawner, Bray, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manfred, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Kelly, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.